Reg. No. M. 1175

The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, THURSDAY, MAY 4, 1950.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS OF MYSORE.

NOTIFICATION.

Order No. L.D. 898--Legis. 7-50-1, dated Bangalore, 4th May 1950.

Ordered that the accompanying Mysore Village Panchayet (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 12th day of April 1950, be published as Mysore Act No. VII of 1950, in the *Mysore Gazette* for general information.

MYSORE ACT No. VII 1950.

THE MYSORE VILLAGE PANCHAYET (AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 12th day of April 1950.)

An Act further to amend the Mysore Village Panchayet Act, 1926.

Preamble.

WHEREAS it is expedient further to amend the Mysore Village Panchayet Act, 1926, (II of 1926), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Village Panchayet (Amendment) Act, 1950.

Amendment of section 20, Act II of 1926.

2. In section 20 of the Mysore Village Panchayet Act, 1926, (hereinafter referred to as the said Act),—

(*a*) after clause (iii) the following clause shall be inserted, namely,—

" (iii-*a*) Disposing of, and if so required by the State Government, preparation of compost manure from, night-soil and rubbish .

Explanation.—In this clause rubbish includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, putrid and putrifying substances, and refuse of any kind ;".

(*b*) After clause (vii) the following clauses shall be inserted, namely,—

" (vii-*a*) Construction and maintenance of public lavatories in the village ;

(vii-*b*) Excavation and maintenance of manure pits for depositing village rubbish and farm-yard manure ; "

Insertion of new section 31A in Act II of 1926.

3. After section 31 of the said Act, the following section shall be inserted, namely :—

Maintenance of manure pits.

" 31A. Every owner or occupier of any hut or building within the jurisdiction of a Panchayet shall

excavate and maintain such pits as may be prescribed, and deposit therein all farm-yard manure and refuse of any other kind."

4. After clause (*ba*) of sub-section (1) of section 63 of the said Act, the following clause shall be inserted, namely :— Amendment of section 63, Act II of 1926.

" (*bb*) contravenes the provisions of section 31A ; or ".

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 4

Order No. L.D. 399—Legis. 8-50-1, dated Bangalore, 4th May 1950.

Ordered that the accompanying Mysore Village Panchayet (Second Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 12th day of April 1950, be published as Mysore Act No. VIII of 1950, in the *Mysore Gazette*, for general information.

MYSORE ACT No. VIII OF 1950.

THE MYSORE VILLAGE PANCHAYET (SECOND AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 12th day of April 1950.)

An Act further to amend the Mysore Village Panchayet Act, 1926.

WHEREAS it is expedient further to amend the Mysore Village Panchayet Act, 1926, (II of 1926), for the purposes hereinafter appearing:

Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Village Panchayet (Second Amendment) Act, 1950.

Short title and commencement.

(2) It shall come into force at once.

2. In the Mysore Village Panchayet Act, 1926, (hereinafter referred to as the said Act), for the words "Revenue Commissioner", wherever they occur, the words "Commissioner for Rural Development", shall be substituted.

Substitution of "Commissioner for Rural Development" for "Revenue Commissioner" in Act II of 1926.

3. After section 30 of the said Act, the following section shall be inserted namely :—

Insertion of new section 30A in Act II of 1926.

"30A. (1) No place within the jurisdiction of a Panchayet shall be used as a hotel, restaurant, eating house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a students' hostel under public or recognised control), or for manufacturing ice or

Prohibition of use of any place as a hotel, etc., without licence.

ærated water, without a licence from the Amildar and except in accordance with the conditions specified therein.

(2) A licence under this section shall be granted or renewed only on payment in advance of such fee as may be prescribed.

(3) The Amildar may, for reasons to be recorded in writing, refuse to grant or renew a licence or suspend or cancel a licence granted or renewed under sub-section (1) for default of any of the conditions subject to which the licence was granted.

(4) The Amildar may, having regard to the local conditions, fix the number and category of hotels, restaurants, eating houses, coffee houses, sweetmeat shops, bakeries, boarding or lodging houses, and places for manufacturing ice or ærated water, and direct by order the closure of such places, as may be specified by him, used for the purposes aforesaid, in excess of those fixed by him :

Provided that no place shall be directed to be closed except after notice of not less than thirty days.

(5) Any person aggrieved by the refusal to grant or renew a licence or by the suspension or cancellation of a licence under sub-section (3) or by an order directing the closure of a place under sub-section (4), may, within thirty days of the date of communication of the order, appeal to the Deputy Commissioner; and the decision of the Deputy Commissioner on such appeal shall be final."

Amendment of section 63, Act II of 1926.

4. After clause (*b*) of sub-section (1) of section 63 of the said Act, the following clause shall be inserted, namely :—

"(*ba*) uses any place for any purpose specified in sub-section (1) of section 30A without a licence or after a licence is suspended or cancelled or contrary to the conditions imposed by a licence, or contrary to an order under sub-section (4) of the said section directing the closure of the place; or"

Amendment of section 65, Act II of 1926.

5. After clause (*g*) of sub-section (2) of section 65 of the said Act, the following clause shall be inserted, namely :—

"(*ga*) regulating the grant, renewal, refusal, suspension or cancellation of licences under section 30A and prescribing the forms and conditions of such licences;"

6. The Mysore Village Panchayet (Amendment) Ordinance, 1950, (I of 1950), is hereby repealed. But any rules or orders made, anything done and any action taken in exercise of any power conferred by or under the Mysore Village Panchayet Act, 1926, as amended by the said Ordinance, shall be deemed to have been made, done or taken in exercise of the powers conferred by or under the Mysore Village Panchayet Act, 1926, as amended by this Act, as if this Act had commenced on the 14th day of March, 1950. **Repeal and savings.**

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L.D. 363—Legis. 4-50-6, dated Bangalore, 29th April 1950.

Ordered that the accompanying Amendments to Administration of Evacuee Property Rules, 1949, published in the *Gazette of India*, dated the 18th March 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Ministry of Rehabilitation.

New Delhi, the 8th March 1950.

No. 14 (102) Cus/50.—In exercise of the powers conferred by section 53 of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), the Central Government is pleased to direct that the following amendments shall be made in the Administration of Evacuee Property (Central) Rules, 1949, namely:—

In the said rules—

1. To clause (iii) of rule 9 the following proviso shall be added, namely:—

"Provided that where the share of the evacuee in such property is more than one-half of the whole property, the possession of the whole property may be taken in the manner provided in sub-rule (1) or sub-rule (2), whichever is applicable."

2. In rule 11, the following clause shall be added, namely:—

"(iv) Where such property is a running business or a share in such business, the Custodian may take possession of the stock-in-trade and other assets of the business and may further take such steps as he considers necessary either for the continuance or for the winding up of such business."

3. In sub-rule (5) of rule 13, the following words shall be added at the end, namely:—

"or for carrying out any other object of the Ordinance."

4. In sub-rule (5) of rule 19, for the words "Where a business is the subject matter of an enquiry, the allegation being that the business is evacuee property" the words "Where the property to be attached is a business" shall be substituted.

5. After rule 19 the following rule shall be added, namely:—

19A. *Procedure to be adopted for the preservation of property deemed to have been attached under sub-section* (2) *of section* 7 *of the Ordinance.*—(1) Where the property deemed to have been attached under sub-section (2) of section 7 of the Ordinance is tangible movable property

other than the stock-in-trade of a running business, or is a share in such property, the Custodian may either take the property into his own custody or entrust it to a '*superdar*' on the latter furnishing security in form No. 5 provided that where the property is of a perishable nature or subject to speedy or natural decay, the Custodian may sell it forthwith and treat the sale proceeds as the property under attachment.

(2) Where such property is a running business or a share in such business, the Custodian may take such steps for the temporary continuance of the business as he deems fit, having regard to the interests of all the parties concerned."

6. In rule 24, after sub-rule (2) the following sub-rule shall be added, namely :—

"(3) This rule applies to Part C States only."

7. In Form No. 5, for the words "Governor-General of India" the words "President of India" shall be substituted.

T. D. SACHDEVA, Under Secy.

No. L.D. 373—Legis. 4-50-7, Bangalore, dated 29th April—1st May 1950.

Ordered that the accompanying Amendments to Indian Telegraph Rules, 1932, Notifications Nos. R. 2-10—50, dated 31st March 1950 and R. 3-69—49, dated 1st April 1950, published in the *Gazette of India*, dated 15th April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 31st March 1950.

No. R. 2-10/50.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that, with effect from the 1st April 1950, the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

In the said Rules—

1. For table I in rule 78, the following table shall be substituted, namely :—

" *I.—For delivery in India.*

Class	For any number of words not exceeding 8, including the address	For each additional word after the first eight words
	Rs. a. p.	Rs. a. p.
Express ...	1 0 0	0 2 0
Ordinary ...	0 8 0	0 1 0

2. For table I in the rule 157, the following table shall be substituted, namely :—

" *I.—For delivery in India.*

Class	Charge for any number of words not exceeding 50, excluding the address	Charges for each additional 5 words after the first 50 words
	Rs. a. p.	Rs. a. p.
Express ...	1 0 0	0 2 0
Ordinary ...	0 8 0	0 1 0 "

3. For rule 162, the following rule shall be substituted, namely :—

"162. The charge for an inland press telegram addressed to several persons in a locality served by one and the same telegraph office, or by different telegraph offices within the free delivery radius of a central telegraph office, or to the same person at several addresses in such locality, shall be the charge for a single inland press telegram of the same class and length together with, for each address after the first, a copying fee calculated at the rate of five annas for any number of chargeable words not exceeding 100 and one anna for each additional 20 words or part thereof."

New Delhi, the 1st April 1950.

No. R. 3-69/49.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

In the said Rules :—

(1) In rule 459, for the letters and figures "Rs. 16" the letters and figures "Rs. 12" shall be substituted.

(2) For rule 460, the following rule shall be substituted, namely :—

"460. *Reduced charges.*—Charges at half the rates provided in rule 459 shall be levied for calls between 6 A.M. and midnight on Sundays and the telegraph holidays shown in rule 84-A and for calls between 9 P.M. to midnight and between 6 A.M. and 8 A.M. on all other days.

Charges at one-third of the rates provided in rule 459 shall be levied for calls between midnight and 6 A.M. on all days.

Provided that no reduction shall be made which reduces the charge to less than six annas."

(3) For rule 464, the following rule shall be substituted, namely :—

"464. *Public Call Offices: Reduced Charges.*—Charges at half the rates prescribed in clauses (3) and (4) of rule 462 shall be levied for calls between 6 A.M. and midnight on Sundays and the telegraph holiday shown

in rule 84-A and for calls between 9 P.M. and midnight and between 6 A.M. and 8 A.M. on all other days.

Charges at one-third of the rates prescribed in clauses (3) and (4) of rule 462 shall be levied for calls between midnight and 6 A.M. on all days :

Provided that no reduction shall be made which reduces the charge to less than six annas."

(4) For the last sentence of rule 445, the following shall be substituted, namely :—

"For the purpose of reckoning consecutive days, Sundays and the telegraph holidays shown in rule 84-A, on which calls are not made, shall be ignored."

A. V. PAI, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS.

NOTIFICATIONS.

No. C. 116—Co. 5-50-2, dated Bangalore, the 1st May 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act 1947 (XX of 1947), His Highness the Maharaja is pleased to cancel the Paper (Prices of Imported Paper) Control Order 1944, published with the Notification No. C. 440, dated the 22nd November 1944 (as amended from time to time) with effect from the 1st May 1950 and to direct with reference to sub-rule (1) of Rule 119 of the said rules that notice of the cancellation shall be given by the publication of the same in the Official Gazette and by the issue of a Press Note summarising and explaining its provisions.

By Order of His Highness the Maharaja,

No. S.D. 761—C. 84-50-2, dated Bangalore, 3rd May 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to prohibit the export of Jaggery from any place in the State to any place outside the State except under and in accordance with the conditions of a permit issued by the Director of Food Supplies in Mysore or any other officer

authorised by him in this behalf and to direct with reference to Rule 119 of the said Rules, that notice of this be given by publication in the *Mysore Gazette* and by the issue of a Press Note.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agriculture Departments.

No. L.S. 313—L.W. 63-49-8, dated Bangalore, 28th April 1950.

The time limit fixed in the several Notifications noted below for sending objections or suggestions regarding the fixation of opening and closing Hours of Shops and Establishments under the Mysore Shops and Establishments Act, 1948, is hereby extended up to 1st June 1950.

No. L.S. 1999—L.W. 63-49-6, dated 10th December 1949.
No. L.S. 2001—L.W. 63-49-3, dated 10th December 1949.
No. L.S. 2003—L.W. 63-49-4, dated 10th December 1949.
No. L.S. 2005—L.W. 63-49-5.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Secretary to Government,
Law Department.

No. Fl. 675—B.T. 1-50-1, dated Bangalore, the 28—29th April 1950.

In exercise of the powers conferred by sections 3 and 6 of the Betting Tax Act, 1932, (Mysore Act No. IX of 1932) and in supersession of Notification No. Fl. 10485—I. T. 1-48-2, dated the 20th May 1949, His Highness the Maharaja of Mysore is pleased to direct that the rate of Totalisator and Betting Taxes to be charged and levied under the said Act shall be twenty-five per cent.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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BANGALORE, FRIDAY, MAY 5, 1950.

PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS OF MYSORE.

NOTIFICATION.

Order No. L. D. 400—Legis. 9-50-1, Bangalore, dated 4—5th May 1950.

Ordered that the accompanying City of Bangalore Improvement (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 16th day of April, 1950, be published as Mysore Act No. IX of 1950, in the *Mysore Gazette* for general information.

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MYSORE ACT No. IX OF 1950.

THE CITY OF BANGALORE IMPROVEMENT (AMENDMENT) ACT, 1950.

(*Received the assent of His Highness the Maharaja on the 16th day of April 1950.*)

An Act further to amend the City of Bangalore Improvement Act, 1945.

Preamble.

WHEREAS it is expedient further to amend the City of Bangalore Improvement Act, 1945, (V of 1945), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the City of Bangalore Improvement (Amendment) Act, 1950.

(2) It shall be deemed to have come into force on the twenty-seventh day of February, 1950.

Amendment of section 24, Act V of 1945.

2. In section 24 of the City of Bangalore Improvement Act, 1945, for the words "have been substantially effected," the words "have been substantially provided for in the estimates," shall be substituted.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

97.

Order No. L.D. 401—Legis. 10-50-1, Bangalore, dated 4—5th May 1950.

Ordered that the accompanying Mysore General Clauses (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 16th day of April, 1950, be published as Mysore Act No. X of 1950, in the *Mysore Gazette*, for general information.

MYSORE ACT No. X 1950.

THE MYSORE GENERAL CLAUSES (AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 16th day of April 1950.)

An Act further to amend the General Clauses Act, 1899.

WHEREAS it is expedient further to amend the General Clauses Act, 1899, (III of 1899), for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. This Act may be called the Mysore General Clauses (Amendment) Act, 1950. Short title.

2. For sub-section (1) of section 1 of the General Clauses Act, 1899, (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely :— Amendment of section 1 of Mysore Act III of 1899.

"(1) This Act may be called the Mysore General Clauses Act, 1899."

3. In section 3 of the said Act,— Amendment of section 3 of Mysore Act III of 1899.

(1) after clause (13), the following clause shall be inserted, namely :—

"(13-A) "financial year" or "official year" shall mean the year commencing on the first day of April :

Provided that in respect of the financial or official year of 1949-50, "financial year" or "official year" shall

B.

mean the period commencing on the first day of July, 1949, and ending with the thirty-first day of March 1950;" and

(2) in clause (14), for the words "'financial year" or "revenue year" or "official year"', the words "revenue year" shall be substituted.

Construction of references to "financial year" or "official year" in other laws.

4. Notwithstanding anything contained in any Mysore Act or any rule, bye-law, order or notification thereunder, the expression "financial year" or "official year" in such Act, rule, bye-law, order or notification shall be construed as the year commencing from the first day of April:

Provided that in respect of the financial or official year of 1949-50, the expression "financial year" or "official year" in any such Act, rule, bye-law, order or notification shall be construed as the period commencing on the first day of July, 1949, and ending with the thirty-first day of March, 1950.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 19

Order No. L.D. 402—Legis. 11-50-1, Bangalore, dated 4—5th May 1950.

Ordered that the accompanying Motor Spirit (Taxation on Sales) (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 16th day of April 1950, be published as Mysore Act No. XI of 1950, in the *Mysore Gazette* for general information.

MYSORE ACT No. XI OF 1950.

THE MOTOR SPIRIT (TAXATION ON SALES) (AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 16th day of April 1950.)

An Act to amend the Motor Spirit (Taxation on Sales) Act, 1949.

WHEREAS it is expedient to amend the Motor Spirit (Taxation on Sales) Act, 1949, (XLIX of 1949), for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Motor Spirit (Taxation on Sales) (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. After section 3 of the Motor Spirit (Taxation on Sales) Act, 1949, the following section shall be inserted, namely :— Insertion of a new section 3-A in Act XLIX of 1949.

"3-A. The State Government may, by notification in the *Mysore Gazette*, make an exemption or reduction in respect of any tax payable under this Act,— Power of Government to notify exemptions and reductions of tax

(1) on the sale of any specified class of motor spirit, or

(2) by any specified person or class of persons."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

Order No. L.D. 403—Legis. 12-50-1, Bangalore, dated 4—5th May 1950.

Ordered that the accompanying Mysore Prohibition (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 16th day of April, 1950, be published as Mysore Act No. XII of 1950, in the *Mysore Gazette* for general information.

MYSORE ACT No. XII OF 1950.

THE MYSORE PROHIBITION (AMENDMENT) ACT, 1950.

(*Received the assent of His Highness the Maharaja on the 16th day of April* 1950.)

An Act to amend the Mysore Prohibition Act, 1948.

Preamble.

WHEREAS it is expedient to amend the Mysore Prohibition Act, 1948, (XXXVII of 1948), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Prohibition (Amendment) Act, 1950.

(2) It shall come into force at once.

Insertion of new section 22-A, in Act XXXVII of 1948.

2. After section 22 of the Mysore Prohibition Act, 1948, (hereinafter referred to as the said Act), the following section shall be inserted, namely :—

Licenses for tapping, etc., in specified areas.

"22-A. (1) The State Government or subject to the control of the State Government, the Deputy Commissioner, may issue licenses to any person for the tapping of trees for toddy in any area specified in such license and for the possession, manufacture, transport and export of such toddy.

(2) The provisions of the Mysore Excise Act, 1901, and the rules made thereunder, shall, notwithstanding anything contained in this Act, apply to the tapping of trees for toddy and the possession, manufacture, transport and export of toddy licensed under sub-section (1)."

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3. In sections 24 and 25 of the said Act, after the figure "22", a comma, and the figure and letter "22-A" shall be inserted.

Amendment of sections 24 and 25 of Act XXXVII of 1948.

4. The Mysore Prohibition (Amendment) (Emergency) Act, 1949, (XLVI of 1949), as continued by the Mysore Prohibition (Amendment) (Emergency Continuance) Act, 1949, (LXXVII of 1949), is hereby repealed. But anything done and any action taken in exercise of any power conferred by or under the Mysore Prohibition Act, 1948, (XXXVII of 1948), as amended by the said Emergency Act, shall be deemed to have been done or taken in exercise of the powers conferred by or under the Mysore Prohibition Act, 1948, as amended by this Act, as if this Act had commenced on the twenty-fifth day of June, 1949.

Repeal and savings.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

22

Order No. L.D. 404—Legis. 13-50-1, Bangalore, dated 4—5th May 1950.

Ordered that the accompanying Mysore City Municipalities (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 17th day of April, 1950, be published as Mysore Act No. XIII of 1950, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XIII OF 1950.

THE MYSORE CITY MUNICIPALITIES (AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 17th day of April 1950.)

An Act further to amend the Mysore City Municipalities Act, 1933.

Preamble.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933, (VII of 1933), for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore City Municipalities (Amendment) Act, 1950.

Amendment of section 58, Act VII of 1933.

2. After clause (*c*) of section 58 of the Mysore City Municipalities Act, 1933, the following clause shall be inserted, namely,—

"(*ca*) disposing of, and, if so required by the State Government, preparation of compost manure from night-soil and rubbish.

Explanation.—In this clause, rubbish includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, putrid and putrifying substances and refuse of any kind."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION 23

Order No. L.D. 405—Legis. 14-50-1, dated Bangalore, 4—5th May 1950.

Ordered that the accompanying Mysore Town Municipalities (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 17th day of April 1950, be published as Mysore Act No. XIV of 1950, in the *Mysore Gazette* for general information.

MYSORE ACT No. XIV OF 1950

THE MYSORE TOWN MUNICIPALITIES (AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 17th day of April 1950.)

An Act further to amend the Mysore Town Municipalities Act, 1933.

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933, (VIII of 1933), for the purpose hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. This Act may be called the Mysore Town Municipalities (Amendment) Act, 1950. Short title.

2. After clause (*c*) of section 55 of the Mysore Town Municipalities Act, 1933, the following clause shall be inserted, namely :— Amendment of section 55, Act VIII of 1933.

" (*ca*) disposing of, and if so required by the State Government, preparation of compost manure from night-soil and rubbish.

Explanation.—In this clause, rubbish includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, putrid and putrifying substances and refuse of any kind."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

24

Order No. L.D. 406—Legis. 15-50-1, Bangalore, dated 4—5th May 1950.

Ordered that the accompanying Mysore Minor Municipalities (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 17th day of April 1950, be published as Mysore Act No. XV of 1950, in the *Mysore Gazette* for general information.

MYSORE ACT No. XV OF 1950.

THE MYSORE MINOR MUNICIPALITIES (AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 17th day of April 1950.)

An Act further to amend the Mysore Minor Municipalities Act, 1933.

Preamble.

WHEREAS it is expedient further to amend the Mysore Minor Municipalities Act, 1933, (IX of 1933), for the purpose hereinafter appearing;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Minor Municipalities (Amendment) Act, 1950.

Amendment of Section 23, Act IX of 1933.

2. After clause (*b*) of section 23 of the Mysore Minor Municipalities Act, 1933, the following clause shall be inserted, namely,—

"(*ba*) disposing of, and, if so required by the State Government, preparation of compost manure from night-soil and rubbish.

Explanation.—In this clause, rubbish includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, putrid and putrifying substances and refuse of any kind."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

No. L.D. 407—Legis, 16-50-1, Bangalore, dated 4—5th May 1950. 25

Ordered that the accompanying Mysore City Municipalities (Second Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 17th day of April 1950, be published as Mysore Act No. XVI of 1950, in the *Mysore Gazette* for general information.

MYSORE ACT No. XVI OF 1950.

THE MYSORE CITY MUNICIPALITIES (SECOND AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 17th day of April 1950.)

An Act further to amend the Mysore City Municipalities Act, 1933.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933, (VII of 1933), for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (Second Amendment) Act, 1950.

(2) It shall come into force at once.

Amendment of section 115, Act VII of 1933.

2. In sub-section (6) of section 115 of the Mysore City Municipalities Act, 1933, (hereinafter referred to as the said Act),

(1) for the word "Whoever", the words "If any person" shall be substituted, and

(2) for the words beginning from "shall be punished with fine" till the end of the sub-section, the following shall be substituted, namely :—

"(i) the municipal council may, whether any action is taken or not against such person under clause (ii) of this sub-section,

(*a*) direct that the building, alteration or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary ;

(ii) such person shall be punishable with fine which may extend to two hundred rupees."

Amendment of section 245, Act VII of 1933.

3. In proviso (*a*) to sub-section (3) of section 245 of the said Act, the words, figures, letter and brackets, "clause (*b*) of sub-section (6) of section 115" shall be omitted.

Amendment of section 249, Act VII of 1933.

4. In section 249 of the said Act, for the words, figures, letter and brackets "clause (*b*) of sub-section (6) of section 115", the words, figures, letter and brackets "sub-clause (*b*) of clause (i) of sub-section (6) of section 115" shall be substituted.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

27

Order No. L.D. 408—Legis. 17-50-1, Bangalore, dated 4—5th May 1950.

Ordered that the accompanying City of Bangalore Municipal Corporation (Amendment) Act, 1950, which received the assent of His Highness the Maharaja, on the 17th day of April 1950, be published as Mysore Act No. XVII of 1950, in the *Mysore Gazette* for general information.

MYSORE ACT No. XVII OF 1950.

THE CITY OF BANGALORE MUNICIPAL CORPORATION (AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the 17th day of April, 1950.)

An Act to amend the City of Bangalore Municipal Corporation Act, 1949.

WHEREAS it is expedient to amend the City of Bangalore Municipal Corporation Act, 1949, (LXIX of 1949), for the purpose hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. This Act may be called the City of Bangalore Municipal Corporation (Amendment) Act, 1950. Short title.

2. After section 209 of the City of Bangalore Municipal Corporation Act, 1949, the following section shall be inserted, namely :— Insertion of new section 209-A in Act LXIX of 1949.

"209-A. The Corporation shall, if so required by the State Government, make provision for the preparation of compost manure from rubbish and filth." Preparation of compost manure from rubbish and filth.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

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PART IV

Section 1-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L. D. 224—Legis. 3-50-1, dated Bangalore, 15—18th April 1950.

Ordered that the accompanying Transfer of Detained Prisoners Bill, 1950 (21 of 1950), published in the *Gazette of India* dated the 18th March 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

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Bills introduced in Parliament of India, Reports of Select Committees presented to Parliament and Bills published under Rule 55 of the Rules of Procedure and Conduct of Business in Parliament.

PARLIAMENT OF INDIA.

The following Bill was introduced in Parliament on the 9th March, 1950 :—

BILL NO. 21 OF 1950.

A Bill to provide for the removal from one State to another of persons confined in a prison.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(*1*) This Act may be called the Transfer of Prisoners Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act,—

(*a*) "court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction ;

(*b*) "Government" or "State Government", in relation to a Part C State, means the Chief Commissioner of that State ;

(*c*) "prison" includes any place which has been declared by a State Government, by general or special order, to be a subsidiary jail.

3. *Removal of prisoners from one State to another.*—(*1*) Where any person is confined in a prison in a State,—

(*a*) under sentence of death, or

(*b*) under, or in lieu of a sentence of imprisonment or transportation, or

(*c*) in default of payment of a fine, or

(*d*) in default of giving security for keeping the peace or for maintaining good behaviour ;

the Government of that State may, with the consent of the Government of any other State, by order, provide for the removal of the prisoner from that prison to any prison in the other State.

(2) The officer in-charge of the prison to which any person is removed under sub-section (*1*) shall receive and detain him, so far as may be, according to the exigency of any writ, warrant or order of the court in the first State by which such person has been committed, or until such person is discharged or removed in due course of law.

4. *Amendment of section* 29, *Act III of* 1900.—In sub-section (*1*) of section 29 of the Prisoners Act, 1900, the words "or, with the consent of the State Government concerned, to any prison in any other State" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 29 of the Prisoners' Act, 1900, *inter alia* provides for the inter-State transfer or prisoners between the States in Parts A, C and D of the First Schedule to the Constitution. There is no provision, however, either in the Prisoners' Act, 1900, or any other law for the transfer of prisoners from prisons in those States to prisons in Part B States and *vice versa*. Cases may arise where the removal or transfer of prisoners from Parts A, C and D States to Part B States and *vice versa* may be considered administratively desirable or necessary.

This Bill is intended to provide legal sanction for such transfers or removals.

VALLABHBHAI PATEL

NEW DELHI;

The 27th February, 1950.

M. N. KAUL, Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section—1-B.

31

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L.D. 237—Legis. 2-50-4, dated the Bangalore, 18th April 1950.

Ordered that the accompanying Government Premises (Eviction) Act, 1950 (XXVII of 1950) published in the *Gazette of India*, dated the 11th April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

Received assent on 10th April 1950.

GOVERNMENT OF INDIA

MINISTRY OF LAW

ACT No. XXVII OF 1950

THE GOVERNMENT PREMISES (EVICTION) ACT, 1950

AN

ACT

to provide for the eviction of certain persons from Government premises and for certain matters connected therewith.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(*1*) This Act may be called the Government Premises (Eviction) Act, 1950.

(*2*) It extends to the whole of India except the States of Jammu and Kashmir and Delhi.

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2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means any person authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification ;

(*b*) "Government premises" means any premises belonging to, or taken on lease or requisitioned by the Central Government ;

(*c*) "premises" means any building or part of a building and includes—

(*i*) the garden, grounds and outhouses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(*d*) "prescribed" means prescribed by rules made under this Act.

3. Power to evict certain persons from Government premises.—(*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any Government premises has, whether before or after the commencement of this Act,—

(*i*) sub-let, without the permission of the Central Government or of the competent authority, the whole or any part of such premises, or

(*ii*) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any Government premises,

the competent authority may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within fifteen days of the date of the service of the notice.

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

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4. Power to recover damages.—(*1*) Where any person is in unauthorised occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served by post or otherwise, order that person to pay the damages within such time as may be specified in the notice.

(*2*) If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

5. Appeal.—(*1*) Any person aggrieved by an order of the competent authority under section 3 or section 4 may, within ten days of the date of the service of the notice under section 3 or section 4, as the case may be, prefer an appeal to the Central Government :

Provided that the Central Government may entertain the appeal after the expiry of the said period of ten days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the Central Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the order of the Central Government shall be final.

(*3*) Where an appeal is preferred under sub-section (*1*), the Central Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

6. Bar of jurisdiction of civil courts.—No order made by the Central Government or the competent authority in the exercise of any power conferred by or under this Act shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

7. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

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8. Delegation.—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the Central Government.

9. Penalty.—Any person who contravenes any provision of this Act or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act shall be punishable with fine which may extend to one thousand rupees.

10. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form of notice and the manner in which it may be served ;

(*b*) the procedure to be followed in taking possession of Government premises ;

(*c*) the manner in which damages for unauthorised occupation may be assessed ;

(*d*) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(*e*) any other matter which has to be, or may be, prescribed.

K. V. K. SUNDARAM, *Secy.*

No. L. D. 238—Legis. 2-50-5, dated Bangalore, the 18th April 1950.

Ordered that the accompanying Transfer of Prisoners Act, 1950 (XXIX of 1950) published in the *Gazette of India*, dated the 22nd April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA 36

MINISTRY OF LAW.

Received Assent on 12th April 1950.

Act No. XXIX of 1950.

THE TRANSFER OF PRISONERS ACT, 1950.

AN

ACT

to provide for the removal from one State to another of persons confined in a prison.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(*1*) This Act may be called the Transfer of Prisoners Act, 1950.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act,—

(*a*) "Court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

(*b*) "Government" or "State Government", in relation to a Part C State, means the Chief Commissioner of that State ;

(*c*) "Prison" includes any place which has been declared by a State Government, by general or special order, to be a subsidiary jail.

3. *Removal of prisoners from one State to another.*—(*1*) Where any person is confined in a prison in a State,—

(*a*) under sentence of death, or

(*b*) under or in lieu of, a sentence of imprisonment or transportation, or

(*c*) in default of payment of a fine, or

(*d*) in default of giving security for keeping the peace or for maintaining good behaviour ;

the Government of that State may, with the consent of the Government of any other State, by order, provide for the removal of the prisoner from that prison to any prison in the other State.

(*2*) The officer in-charge of the prison to which any person is removed under sub-section (*1*) shall receive and detain him, so far as may be, according to the exigency of any writ, warrant or order of the court by which such person has been committed, or until such person is discharged or removed in due course of law.

4. *Amendment of section 29, Act, III of 1900.*—In sub-section (*1*) of section 29 of the Prisoners Act, 1900, the words "or, with the consent of the State Government concerned, to any prison in any other State" shall be omitted.

K. V. K. SUNDARAM, *Secy.*

No. L.D. 391, dated Bangalore, 2nd May 1950.

CORRIGENDUM. 37

In Legislative Department Notification No. L.D. 26—Legis. 2-50-3, dated the 6th March 1950, published in Part IV, Section I-B of the *Mysore Gazette*, dated the 13th April 1950, for "1st April, 1950," substitute "8th April, 1950."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Section 1-C. 38

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L. D. 227—Legis. 4-50-1, dated Bangalore, 17—18th April 1950.

Ordered that the accompanying Rules made by the President on 31st March 1950, regarding the custody, etc., of the Consolidated Fund of India, published in the *Gazette of India*, dated the 31st March 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF FINANCE.

NOTIFICATION.

New Delhi, the 31st March 1950.

No. 3741-BII/50.—In the exercise of the powers conferred by clause (1) of Article 283 of the Constitution of India, the President is pleased to make the following rule, namely :--

The custody of the Consolidated Fund of India, the payment of monies into that Fund, the withdrawal of monies therefrom, the custody of Public monies other than those credited to that Fund received by or on behalf of the Government of India, their payment into the Public account of India, and the withdrawal of monies from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated

(*a*) as respects monies held or received in a Part B State other than in a Treasury of the Central Government, by the rules in force in that State regulating such matters in relation to monies received on account of the revenues of the State ; and

(*b*) in other cases, by the rules made by the Central Government or by any person authorised by it in that behalf under Section 151 of the Government of India Act, 1935, and in force on the 25th day of January 1950,

in so far as such rules are not inconsistent with the provisions of the said Constitution, and the rules, in their application to the aforesaid matters, shall be read subject to all necessary modifications.

M. V. RANGACHARI, *Dy. Secy.*

39

No. L.D. 228—Legis. 4-50-2, Bangalore, dated 17th—18th April 1950.

Ordered that the accompanying further amendment, to Indian Aircraft Rules, 1937, published in the *Gazette of India*, dated the 1st April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

New Delhi, the 20th March 1950.

No. 10-A/549 (i).—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Aircraft Rules, 1937, the same having been published as required by section 14 of the said Act, namely :—

In schedule V to the said Rules, in the table in paragraph 1 of Section B, for the entries in the second column relating to items D and E, the following entries shall respectively be substituted, namely :—

"15,001	...	27,000 lbs,
27,001	...	50,000 lbs."

P. K. ROY, *Deputy Secretary.*

No. L.D. 229—Legis. 4-50-3, Bangalore, dated 17th—18th April 1950.

Ordered that the accompanying amendments to Indian Telegraph Rules, 1932, published in the *Gazette of India*, dated the 1st April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

POSTS AND TELEGRAPHS.

New Delhi, the 18th March 1950. 210

No. PHA-20-4049.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that with effect from the 1st April 1950, the following amendment shall be made in the Indian Telegraph Rules, 1932, namely :—

In the said rules—

For the "Short Title and Extent" under Preliminary, the following shall be substituted, namely :—

"*Short Title and Extent.*—These rules may be called the Indian Telegraph Rules, 1932. They extend to the whole of India."

K. V. VENKATACHALAM, *Deputy Secretary.*

No. L D. 231—Legis. 4-50-5, dated Bangalore, the 17—18th April 1950.

Ordered that the accompanying further amendments to Central Excise Rules, 1944, published in the *Gazette of India*, dated the 1st April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government, Law Department.

MINISTRY OF FINANCE (REVENUE DIVISION).

CENTRAL EXCISES.

New Delhi, the 1st April 1950.

No. 8.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendments shall be made in the Central Excise Rules, 1944, namely :—

In the said rules, for clause (ii) of rule 2, the following clause shall be substituted, namely :—

"(ii)—"Collector" means—

(A) for purposes other than the purposes of Chapter VI,—

(*a*) in the States of Bombay (except the former Baroda State) Bhopal and Madhya Pradesh, the Collector of Central Excise, Bombay ;

(*b*) in the area of the State of Bombay comprising the former Baroda State, (except the Okhamandal and Amreli areas thereof), the Collector of Central Excise, Baroda ;

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(c) in the States of Madras, Coorg and Travancore-Cochin, the Collector of Central Excise, Madras;

(d) in the States of West Bengal, Bihar and Orissa, the Collector of Central Excise, Calcutta;

(e) in the States of Utter Pradesh and Vindhya Pradesh, the Collector of Central Excise, Allahabad;

(f) in the States of Assam, Tripura and Manipur, the Collector of Central Excise, Shillong;

(g) in the States of Punjab, Delhi, Ajmer, Bilaspur, Himachal Pradesh and Patiala and East Punjab States Union, the Collector of Central Excise, Delhi;

(h) in the States of Kutch and Saurashtra and the Okhamandal and Amreli areas of the former Baroda State, now forming part of the State of Bombay, the Collector of Customs, Saurashtra, Jamnagar;

(i) in the States of Hyderabad and Mysore, the Collector of Central Excise, Hyderabad;

(j) in the States of Madhya Bharat and Rajastan, the Collector of Central Excise, Ajmer;

and includes any officer specially authorised under rule 4 or 5 to exercise throughout any State or any specified area therein, all or any of the powers of a Collector under these rules.

(B) for the purposes of Chapter VI, the Salt Controller."

D. P. ANAND, *Dy. Secy.*

No. 759—Cts. 1-50-4, dated Bangalore, 4th May 1950.

In exercise of the powers conferred by Article 237 of the Constitution of India, His Highness the Maharaja is pleased to direct that the provisions of Chapter VI of the Constitution of India shall apply, with effect from the date of issue of this Notification, to the stipendiary Magistrates in the State as they apply in relation to persons appointed to the Judicial Service of the State.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS.

NOTIFICATIONS.

No. R. 1417—L.S. 115-47-4, dated Bangalore, 2nd May 1950.

The draft of the following amendment to the Rules under the Record of Rights Act, which it is proposed to make, in exercise of the powers conferred by Section 17 of the Mysore Land Record of Rights Act, 1927, (Mysore Act X of 1927), is hereby published for the information of all persons likely to be affected thereby as required by sub-section (3) of the said Section.

Notice is hereby given that the draft will be taken into consideration after 31st May 1950.

Objections or suggestions, if any, to the amendment may be forwarded for consideration to the Secretary to Government, Revenue Department, so as to reach him within the aforesaid date.

DRAFT.

For the second para in rule 38-A of the Rules under the Record of Rights Act, the following para shall be substituted :—

"No fee shall be charged—

(i) in the case of grant of lands on darkhasts to private individuals ;

(ii) in the case of purchase of lands in sales held for arrears of land revenue ;

(iii) in respect of lands resumed to Government for arrears of land revenue and subsequently restored to the Khatedars on payment of the arrears due thereon ; and

(iv) for recording lease rights in respect of lands belonging to Muzrai Institutions."

By Order of His Highness the Maharaja,

SYED ABDUL ALEEM,

Secretary to Government,
Revenue Department.

No. T. 928...R. T. 1-49-37, dated Bangalore, 5th May 1950.

In exercise of the powers conferred by Section 83 of the Mysore Motor Vehicles and Road Traffic Act, 1944 exemption from payment of taxes in the State is granted to the following motor vehicles owned by the Government of India and in charge of the Manager, Combined Training Centre for war disabled at Jalahalli, Bangalore.

1. Lorry No. My-6481-z.
2. Truck No. My-6482-z.

By Order of His Highness the Maharaja,

L. MUNISWAMY,
Secretary to Government,
Local Self-Govt. Department.

No. D. 582—I. & C. 41-48-45, dated Bangalore, 2nd May 1950.

In exercise of the powers conferred by Section 3 of the Mysore Power Alcohol Act of 1939, (VIII of 1939), the Rajpramukh of Mysore, His Highness the Maharaja, is pleased to direct that in the Districts of Bangalore, Tumkur, Mysore and Mandya, no petrol shall be sold or kept for sale with effect from 10th May 1950, except with an admixture of Power Alcohol manufactured in the Distillery established by the Mysore Sugar Company, Ltd., at Mandya and that the proportion of Petrol and power Alcohol in the mixture shall be 92½ per cent and 7½ per cent respectively by volume.

By Order of His Highness the Maharaja,

No. 607, dated Bangalore, 4th May 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore, and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947, (Mysore Act XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Iron and Steel (Scrap Control) Order, 1944, and to further direct with reference to Rule 119 of the said Rules that notice of the Order shall be given by publication in the *Mysore Gazette*, namely,—

1. After Clause 5 of the said Order the following clauses shall be inserted, namely :—

"*5A. Power to Direct to Sell.*—The Controller may, by a written order, require any person holding stocks of scrap acquired by him otherwise than in accordance with the provisions of clause 4, to sell the whole or any part of the stock to such person or class of persons and on such terms and conditions as may be specified in the order.

"*5B. Power to Prohibit Removal.*—The Controller may order any controlled source, Scrap merchant or any other person not to remove or permit the removal of any scrap, whether sold or unsold, from his stockyard or premises except with the written permission of the Controller.

"*5C. Powers of the Controller.*—The Controller may, with a view to securing compliance with this Order,—

(*a*) require any person to give such information in his possession with respect to any business carried on by that or any other person ;

(*b*) inspect or cause to be inspected any books or other documents belonging to or under the control of any person ;

(*c*) enter and search or authorise any person to enter and search, any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed, and any other article in the premises which he has reason to believe has been or is intended to be used in connection with such contravention".

2. Sub-clause (*d*) of clause 6 of the said Order shall be omitted.

By Order of His Highness the Maharaja,

R. G. REGO,

Secretary to Government,
Development Department.

No. C. 136—Co. 6-50-2, dated Bangalore, 2nd May 1950.

In exercise of the powers conferred by Sub-Rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Mysore Cotton Textiles (Control) Order, 1948, namely:—

In the said Order in Clause 21 the following sub-clause shall be added, namely:—

"(5) No producer shall pack any cloth or yarn for export unless the same is covered by a contract of sale against a valid export license."

By Order of His Highness the Maharaja,

No. A.F. 1139—Mart. 16-49-7, dated Bangalore, 3rd May 1950.

Under Section 5 of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), and in continuation of Notifications No. A.F. 5055—Mart. 16-49-3, dated 29th December 1949 and No. A.F. 8747—Mart. 16-49-5, dated 7th March 1950, the Government of Mysore are pleased to declare that the undermentioned taluks shall be the area, the producers of agricultural produce in which shall be entitled to be represented on the Market Committee for the market, constituted in Notification No. A.F. 5051—Mart. 16-49-2, dated 29th December 1949.

Shimoga District.—

1. Shimoga.
2. Tirthahalli.
3. Nagar.
4. Sagar.
5. Sorab.

Chikmagalur District.—

1. Koppa.
2. Tarikere.
3. Mudigere.
4. Sringeri.

By Order of His Highness the Maharaja,

No. S.D. 844—R. 24-50-21, dated Bangalore, 6th May 1950.

In exercise of the powers conferred by sub-rule 2 of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Mysore Food (Restriction of Service of Meals by Catering Establishments and Others) Order of 1949, promulgated under Notification No. S.D. 5914—R. 24-48-53, dated 20th January 1949, as amended from time to time, and to direct with reference to sub-rule 1 of Rule 119 of the said Rules, that notice of this amendment shall be given by its publication in the official Gazette and by the issue of a Press Note, *viz.*,—

The following clause shall be substituted as Clause 4:—

"The manufacture for sale or sale of any article of food which involves the use of Milk or Rice and the preparation for sale or sale of any eatables known as "Idlies" or "Dosais" or eatables of a similar kind involving the use of rice, by a Catering Establishment, is prohibited".

Clause 4 as amended, reads as follows:—

"The manufacture for sale or sale of any article of food which involves the use of Milk or Rice and the preparation for sale or sale of any eatables known as "Idlies" or "Dosais" or eatables of a similar kind involving the use of rice, by a Catering Establishment, is prohibited:

Provided, however, this prohibition does not apply to the manufacture or sale of bread or standard meal, or coffee or tea or cocoa, or sweet drink or any other article of food specifically exempted by the Director of Food Supplies in Mysore, in writing".

By Order of His Highness the Maharaja,

No. S.D. 867-77—C. 77-49-31, dated Bangalore, the 5—6th March 1950.

In exercise of the powers conferred by Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act XX of 1947 and in partial modification of Notification No. S. D. 4083—C. 77-49-2, dated 21st November 1949, His Highness the

Maharaja of Mysore is pleased to direct that the ban imposed on export of long chillies in the said Notification dated 21st November 1949 be lifted temporarily till the end of May 1950 only in respect of the Shimoga and Chitaldrug Districts and the export of this commodity outside the State from the two Districts permitted during the period without any restriction and to direct with reference to Rule 119 of the said rules that notice of this Notification shall be given by publication of the same in the official Gazette and by the issue of a Press Note.

By Order of His Highness the Maharaja.

A. S. KHALEEL,
Secretary to Government,
Food and Agriculture Departments.

No. E. 1057—B.R. 1-49-16, dated Bangalore, 2nd May 1950.

In exercise of the powers vested in them under Sub-Clauses (1), (3), (5) (*a*) of Section 5 of the Act for the Prohibition of Beggary, 1944, and under Rule 5 (iii) of the rules framed thereunder, and in modification of Notification No. E. 14090—B.R. 3-48-6, dated 20th June 1949, the Government of Mysore are pleased to appoint Sri K. T. Bhashyam, B.A., B.L., Minister for Law and Labour, Government of Mysore, as Chairman of the Central Beggar Relief Committee in place of Sri D. H. Chandrasekharaiya, B.A., LL.B., resigned, until the Committee constituted in the said Notification is reconstituted.

By Order of His Highness the Maharaja,

No. L.S. 391—L.W. 4-50-3, dated Bangalore, 4th May 1950.

The following draft of the amendments to Rules 37(9) and 38 of the Mysore Shops and Establishments Rules, 1948, which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 49 of the Mysore Shops and Establishments Act, 1948, (Mysore Act No. II of 1948), is hereby published for the information of all persons likely to be affected thereby as required by sub-section (3) of the said section.

Notice is hereby given that the draft amendments will be taken into consideration on or after 1st June 1950. Any objections or suggestions which may be received from any person with respect thereto after the said date will not be considered. Objections and suggestions should be sent to the Secretary to Government, Law Department

through the Commissioner of Labour in Mysore, Bangalore, so as to reach him before 1st June 1950.

DRAFT AMENDMENTS.

In the said Rules,

1. In sub-rule (9) of Rule 37, for the word "Government" wherever it occurs, the words "Commissioner of Labour" shall be substituted.

2. For Rule 38, the following Rule shall be substituted namely :—

Manner of calculating the ordinary rate of wages.

"38. For the purpose of the explanation to Section 31, the ordinary rate of wages per hour shall be calculated by dividing the total wages payable to a person employed for the hours actually worked by him during wage period by the number of such hours in the wage period:

Provided that the hours worked by a person employed in excess of the normal daily hours during the wage period shall be excluded in calculating the number of hours actually worked by him."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

No. L.D. 442—L.A. 13-50-1, dated Bangalore, the 9th May 1950.

ORDER.

In pursuance of sub-rule (6) of Rule 3 of the Mysore Legislative Rules, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby prescribe that the manner of presentation of the Address by the Speaker shall be by means of a covering letter addressed by the Speaker to His Highness the Maharaja.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, TUESDAY, MAY 23, 1950.

PART IV

Section 2-B.

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. Fl. 1613—B.T. 1-50-3, dated Bangalore, 23rd May 1950.

In exercise of the powers conferred by section 10 of the Betting Tax Act, 1932, (Mysore Act No. IX of 1932), His Highness the Maharaja of Mysore is pleased to direct that the following amendments shall be made in the Rules under the said Act issued under Notification No. Fl. 4658—I.T. 35-32-3, dated the 19th—21st February 1933, namely :—

1. In rule (2) of the said Rules, for the words "which includes a sweep", the words "which include a sweep and Double and Treble Events bets" shall be substituted.

2. In rule (4) of the said Rules, for the words "all sums paid or agreed to be paid by them to backers in satisfaction of winning bets", the words and brackets "all moneys paid or agreed to be paid to them by backers in respect of bets (which include Double and Treble Events bets)" shall be substituted.

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3. In rule (5) of the said Rules, for the words and brackets "at the time the bet is won by the backer (*i.e.*, at the conclusion of the particular race)", the words "at the time the bet is laid by the backer with the book-maker" shall be substituted.

4. In rule (6) of the said Rules, for the words "by him in satisfaction of winning bets", the words "to him in respect of bets" shall be substituted.

5. In column 1 of Form A annexed to the said Rules, after the entry "1st Enclo. Place", the entries "1st Enclo. Double Events. Win", "1st Enclo. Double Events. Place", "1st Enclo. Treble Events. Win", and "1st Enclo. Treble Events, Place" shall be inserted; and after the entry "2nd Enclo. Place", the entries "2nd Enclo. Double Events. Win", "2nd Enclo. Double Events. Place", and "2nd Enclo. Treble Events. Win" and "2nd Enclo. Treble Events. Place" shall be inserted.

6. In Form B annexed to the said Rules, for column 3, the following columns shall be substituted, namely :—

"

Number of tickets issued.	Total amount of moneys paid or agreed to be paid to the book-maker by way of bets including Double and Treble Events bets.

"

By Order of His Highness the Maharaja,

B. S. Puttaswamy,

Legal Remembrancer and
Secretary to Government,
Law Department.

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The Mysore Gazette

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EXTRAORDINARY

BANGALORE, TUESDAY, MAY 23, 1950.

PART IV

Section 2-B.

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. Fl. 1612—B.T. 1-50-2, Bangalore, dated the 23rd May 1950.

In exercise of the powers conferred by Sections 3 and 6 of the Betting Tax Act, 1932, (Mysore Act No. IX of 1932), and in supersession of Notification No. Fl. 675—B.T. 1-50-1, dated the 29th April 1950, His Highness the Maharaja of Mysore is pleased to direct that the rate of totalisator and betting taxes to be charged and levied under the said Act shall be seventeen and a half per cent.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 1-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L. D. 521—Legis. 8-50-4, dated Bangalore, the 17—18th May 1950.

Ordered that the accompanying Reserve Bank of India (Amendment) Bill, 1950, (Bill No. 38 of 1950), published in the *Gazette of India*, dated the 29th April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

PART II—Section 2.

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Bills and Reports of Select Committees on Bills.

PARLIAMENT OF INDIA.

The following Bill was introduced in Parliament on the 19th April, 1950:—

BILL NO. 38 OF 1950.

A Bill further to amend the Reserve Bank of India Act, 1934.

BE it enacted by Parliament as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Reserve Bank of India (Amendment) Act, 1950.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. *Substitution of "India" for "States" in Act II of* 1934.—In the Reserve Bank of India Act, 1934 (hereinafter referred to as the said Act), unless otherwise expressly provided, for the words "the States," wherever they occur, the word "India" shall be substituted.

3. *Amendment of section* 1, *Act II of* 1934.—In sub-section (2) of section 1 of the said Act, for the words and letter "Part B States" the words "the State of Jammu and Kashmir" shall be substituted.

4. *Amendment of section* 2, *Act II of* 1934.—In section 2 of the said Act,—

(*i*) clause (*bb*) shall be relettered as clause (*c*);

(*ii*) the existing clause (*c*) shall be relettered as clause (*f*) and that clause, as so relettered, shall be inserted after clause (*e*);

(*iii*) after clause (*f*), as so relettered and inserted, the following clause shall be inserted, namely:—

'(*g*) the expressions "State Government" and "State Governments," unless otherwise expressly provided, do not include the Government of the State of Jammu and Kashmir.'

5. *Amendment of section* 11, *Act II of* 1934.—In section 11 of the said Act,—

(*a*) in sub-section (1), for the words "any other Director" the words "any other Director or any member of a Local Board" shall be substituted;

(*b*) in section (5), for the words and letters "of a Part A State or a Part C State," the words "of any State" shall be substituted.

6. *Amendment of section* 17, *Act II of* 1934.—In section 17 of the said Act,—

(1) in clause (1), the words and letter "Part B States" shall be omitted;

(2) in sub-clause (*b*) of clause (2), for the words "nine months" the words "twelve months" shall be substituted;

(3) in sub-clause (*c*) of clause (2), the words and letter "or such securities of Part B States as may be specified in this behalf by the Central Government on the recommendation of the Central Board" shall be omitted;

(4) in clause (4),—

(a) the words and letter "Part B States" shall be omitted; 34.

(b) in sub-clause (d), for the words "which have been transferred" the words "such documents have been transferred" shall be substituted;

(5) for clause (6), the following clause shall be substituted, namely :—

"(6) the issue of demand drafts, telegraphic transfers and other kinds of remittances made payable at its own offices or agencies, the purchase of telegraphic transfers, and the making, issue and circulation of bank post bills;";

(6) in clause (8),—

(a) the words "or such Part B States" shall be omitted;

(b) in the first proviso, for the words "authority or State," in both the places where they occur, the words "or authority" shall be substituted,

(c) the second proviso shall be omitted;

(7) in clause (11),—

(a) the words "or any Part B State" shall be omitted; and

(b) after the words and figures "established under the Industrial Finance Corporation Act, 1948," the words "or the Government of any such country outside India or any such person as may be approved in this behalf by the Central Government" shall be inserted;

(8) in clause (13), for the words "in the shares" the words "in the shares and securities" shall be substituted;

(9) in the second proviso to clause (14), for the words "share capital" the word "capital" shall be substituted.

7. *Amendment of section* 19, *Act II of* 1934.—For clause (2) of section 19 of the said Act, the following clause shall be substituted, namely :—

"(2) purchase the shares of any banking company or of any other company, or grant loans upon the security of any such shares;".

8. *Amendment of section* 20, *Act II of* 1934.—In section 20 of the said Act, for the words and letter "the State Governments and such Part B States as may be approved of and notified by the Central Government in the *Gazette of India*," the words "and the State Governments" shall be substituted.

9. *Amendment of section* 21, *Act II of* 1934.—In section 21 of the said Act, the following *Explanation* shall be added at the end, namely :—

Explanation.—In this section and in section 20, the expression "State Government" in relation to a Part B State, means the Government of any Part B State in respect of which the Central Government has, by notification in the Official Gazette, declared that it is a Government to which this section or section 20, as the case may be, applies.

10. *Amendment of Section* 26, *Act II of* 1934.—In sub-section (2) of section 26 of the said Act, for the words "save at an office or agency of the Bank", the words "save at such office or agency of the Bank and to such extent as may be specified in the notification" shall be substituted.

11. *Amendment of Section* 33, *Act II of* 1934.—In sub-section (3) of section 33 of the said Act, for the words and figures "of section 18" the words, figures and brackets "of sub-section (1) of section 18" shall be substituted.

SS

12. *Amendment of Sections* 36 *and* 37, *Act II of* 1934.—In sections 36 and 37 of the said Act, for the words "sterling securities," wherever they occur, the words "foreign securities" shall be substituted.

13. *Amendment of Section* 42, *Act II of* 1934.—In section 42 of the said Act—

(1) in sub-section (2), for the words beginning with "Every scheduled bank" and ending with the words "two working days after the date to which it relates :", the following shall be substituted, namely :—

"Every scheduled bank shall send to the Bank a return signed by two responsible officers of such Bank showing—

(*a*) the amount of its demand and time liabilities and the amount of its borrowings from banks in India,

(*b*) the total amount of legal tender notes and coins held by it in India,

(*c*) the balance held by it at the Bank in India,

(*d*) the balance held by it at the other banks in current account and the money at call and short notice in India,

(*e*) the investments (at book value) in Central and State Government securities, including treasury bills and treasury deposit receipts,

(*f*) the amount of advances in India ;

(*g*) the bills purchased and discounted in India, at the close of business on each Friday :

Provided that where Friday is a public holiday under the Negotiable Instruments Act, 1881 (XXVI of 1881) for one or more offices of a scheduled bank, the return shall give the preceding working day's figures in respect of such office or offices but shall nevertheless be deemed to relate to that Friday ; and such return shall be sent not later than two working days after the date to which it relates ;" ;

(2) in the existing provisio to the said sub-section, after the word "Provided," the word "further" shall be inserted ;

(3) in sub-section (3*A*), in clause (*a*) and in the *Explanation*, the words "managing agent" shall be omitted ;

(4) in sub-section (4), for the words "shall be liable to pay to the Central Government or to the Bank, as the case may be, or to each," the words "shall be liable to pay to the Bank" shall be substituted ;

(5) in sub-section (5), for the words "by the Central Government in the case of a failure to make a return under sub-section (2) to the Central Government, or by the Bank with the previous sanction of the Central Government in other cases," the words "by the Bank" shall be substituted ;

(6) in clause (*a*) of sub-section (6), for the words "in any State of India" and "outside the States of India," the words "in India" and "outside India" shall respectively be substituted ;

(7) after sub-section (6), as so amended, the following sub-section shall be inserted, namely :—

"(7) The Bank may, for such period and subject to such conditions as may be specified, grant to any scheduled bank such exemptions from the provisions of this section as it thinks fit with reference to all or any of its offices or with reference to the whole or any part of its assets."

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14. *Amendment of Section* 51, *Act II of* 1934.—In section 51 of the ssid Act, for the words "Auditor General" the words "Comptroller and Auditor General" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The amendment of the Reserve Bank of India Act, 1934, has become necessary in certain respects in view of the changed circumstances. There has been a persistent demand for extension of the period of accommodation that the Bank may make available for productive finance in the field of agriculture and co-operation. The powers of the Bank require extension and elaboration, particularly in the matter of issue of remittances other than demand drafts, purchase of telegraphic transfers and the acting as Agents for foreign Governments or other persons specified by the Central Government. It has also been considered necessary that the weekly returns by scheduled banks showing their time and demand liabilities should contain greater particulars than at present; and that powers should be taken for the Reserve Bank to exempt scheduled banks in difficulties due to circumstances beyond their control, from the obligations to maintain statutory balances. The Bill seeks to achieve these objects.

In view of the financial integration of Part B States with the Union, it has also become necessary to extend the provisions of the Reserve Bank of India Act, 1934, to these States generally.

JOHN MATTHAI,

NEW DELHI;
The 10th April 1950.

M. N. KAUL, *Secretary.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV

Section I-C

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NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 1044—Legis. 37-49-2, dated Bangalore, 9th February 1950.

Ordered that the accompanying Constitution (Declaration as to Foreign States) Order, 1950, published in the *Gazette of India*, dated the 24th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

New Delhi, the 23rd January 1950.

No. C. O. 2.—The following Order made by the Governor-General is published for general information :—

THE CONSTITUTION (DECLARATION AS TO FOREIGN STATES) ORDER, 1950.

In exercise of the powers conferred by clause (3) of Article 367 and clause (3) of Article 392 of the Constitution of India, the Governor-General is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Declaration as to Foreign States) Order, 1950.

(2) It shall come into force at once.

2. Subject to the provisions of any law made by Parliament, every country within the Commonwealth is hereby declared not to be a Foreign State for the purposes of the Constitution.

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

No. L.D. 1046—Legis. 37-49-3, dated Bangalore 9th February 1950. 58

Ordered that the accompanying Constitution (Amendment of the First and Fourth Schedules) Order, 1950 published in the *Gazette of India*, dated the 25th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

C. O. 3.

THE CONSTITUTION (AMENDMENT OF THE FIRST AND FOURTH SCHEDULES) ORDER, 1950.

WHEREAS on divers dates between the passing of the Constitution of India and its commencement, action has been taken under the provisions of the Government of India Act, 1935, which requires amendment of the First and Fourth Schedules to the Constitution;

NOW THEREFORE, in exercise of the powers conferred by article 391 and clause (3) of article 392 of the Constitution, the Governor-General of the Dominion of India is pleased to make the following Order:—

1. (1) This Order may be called the Constitution (Amendment of the First and Fourth Schedules) Order, 1950.

(2) It shall come into force at once.

2. The following amendments shall be made in the First Schedule to the Constitution, namely:—

(1) In Part A,—

(a) for the entry "8. The United Provinces", the entry "8, Uttar Pradesh" shall be substituted, and

(b) the paragraph relating to the territory of the State of West Bengal shall be omitted.

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(2) In Part B,—

(a) the entry "9. Vindhya Pradesh" shall be omitted; and

(b) for the description of the Territories of States, the following shall be substituted, namely:—

"The territory of each of the States in this Part shall comprise the territory which, immediately before the commencement of this Constitution, was comprised in, or administered by the Government of, the corresponding Indian State, and in the case of the State of Madhya Bharat, shall also comprise the territory which, immediately before such commencement, was comprised in the Chief Commissioner's Province of Panth Piploda".

(3) In Part C,—

(a) the entry "4. Cooch Behar" shall be omitted;

(b) entries 5 to 10 shall be renumbered as entries 4 to 9 respectively; and

(c) after entry 9 as so renumbered, the entry "10. Vindhya Pradesh" shall be inserted.

3. The following amendments shall be made in the Fourth Schedule to the Constitution, namely:—

(1) In the Table of Seats relating to States specified in Part A of the First Schedule for the words "The United Provinces," the Word "Uttar Pradesh" shall be substituted.

(2) In the Table of Seats relating to States specified in Part B of the First Schedule, the entry "9. Vindhya Pradesh .....4" shall be omitted, and for the figures "53" the figures "49" shall be substituted.

(3) In the Table of Seats relating to States specified in Part C of the First Schedule,—

(a) the entry "6. Cooch-Behar.....1" shall be omitted,

(b) entries 7 to 10 shall be renumbered as entries 6 to 9, respectively,

(c) after entry 9 as so renumbered, the entry "10. Vindhya Pradesh.....4" shall be inserted, and

(d) for the total "7" the total "10" shall be substituted.

(4) At the end of the said Tables, for the figures "205," the figures "204" shall be substituted.

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4. In clause (1) of article 168 of the Constitution, for the words "the United Provinces" the words "Uttar Pradesh" shall be substituted.

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secretray.

NOTIFICATION.

No. L.D. 1047—Legis. 37-49-5 dated, 9th February 1950 61

Ordered that the accompanying constitution (Removal of difficulties) Order No. II published in the *Gazette of India*, dated the 26th January 1950 be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. FUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATIONS

New Delhi the 26th January 1950.

The following orders made by the President are published for general information :—

C. O. 5

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. II

In exercise of the powers conferred by clause (I) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. II.

(2) It shall come into force at once.

2. The Constitution of India shall,—

(a) Until both Houses of Parliament have been duly constituted and summoned to meet for the first session under the provisions of that Constitution, have effect subject to the adaptations directed to be made therein by Part I of the Schedule to this Order ;

(b) Until the House or Houses of the Legislature of a State specified in Part A or Part B of the First Schedule to

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that Constitution has or have been duly constituted and summoned to meet for the first session under the provisions of the said Constitution, have effect in relation to that State subject the adaptations directed to be made therein by Part II of the Schedule to this Order.

3. Where the Schedule to this Order requires that in any specified provision certain words shall be substituted for other words or that certain words shall be omitted, that substitution or omission, as the case may be, shall, unless otherwise expressly provided, be made wherever the words referred to appear in that provision.

THE SCHEDULE

Article.	Adaptations.
	PART I
3	In the proviso, omit "either House of".
54	In this article, before "The President shall be elected" insert "Subject to the provisions of article 380,".
55	In clause (1), after "election of the President" insert "under article 54". In clause (3), after "election of the President" insert "under article 54".
56	For this article, substitute :— "56. (1) The President may, by writing under his hand addressed to the Speaker of Parliament, resign his office. Resignation by, or removal of, President. (2) The President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 61".
58	In sub-clause (c) of clause (1), after "qualified for election" insert "in the case of an election under clause (2) of article 380, as a member of Parliament and in the case of an election under article 54,".
59	In clause (1), omit "either House of", and for "that House substitute "Parliament or that House, as the case may be".
61	In clause (1), omit "either House of". In clause (2), for "the House" substitute "Parliament". In clause (3), for "by either House of Parliament, the other House" substitute "Parliament". In clause (4), for "the House by which the charge was investigated or caused to be investigated" substitute Parliament".
62	Omit.
63	To this article add "to be elected in the manner provided in article 66 after both Houses of Parliament have been duly constituted under the provisions of this Constitution".

Article.	Adaptations.
64—65	Omit.
67—69	Omit.
70	For "Chapter" substitute "Constitution".
71	Omit "or Vice-President".
	In clause (2), omit, "as the case may be,".
75	In clause (3), for "the House of the People" substitute "Parliament".
	In clause (5), omit "either House of".
79	Before "There shall be a Parliament for the Union" insert "Subject to the provisions of Article 379,".
85	In clause (1), omit "The Houses of" and for "their" substitute "its".
	In clause (2), for "the Houses" substitute "Parliament" and for "either House" substitute "the Houses or either House of Parliament, as the case may be,", and omit sub-clause (c).
86	In clause (1), omit "either House of" and "or both Houses assembled together,".
	In clause (2), omit "either House of" and for "a House to which any message is so sent" substitute "Parliament".
87	In clause (1), omit "both Houses of" and "assembled together."
	In clause (2), for "either House" and "the House" substitute "Parliament."
88	For "either House, any joint sitting of the Houses, and any committee of Parliament" substitute "Parliament and any committee thereof".
89—92	Omit.
93	For this article, substitute:—
	"93. So often as the office of Speaker or Deputy Speaker of Parliament becomes vacant, Parliament shall choose a member thereof to be its Speaker or Deputy Speaker, as the case may be." (The Speaker and Deputy Speaker of Parliament.)
94	For "the House of the People" substitute "Parliament".
	In clause (c), "for members of the House" substitute "members of Parliament".
	Omit the second proviso.
95	For "the House of the People" substitute "Parliament".
	In clause (2), for "the House" substitute "Parliament".
96	For "the House of the People" substitute "Parliament".
	In clause (2), for "in the House" substitute "in Parliament".
97	Omit "to the Chairman and the Deputy Chairman of the Council of States, and", and for "the House of the People" substitute "Parliament".
98	In clause (1), omit "Each House of" and the proviso.
	In clause (2), omit "either House of".
	In clause (3), for "the House of the People or the Chairman of the Council of States, as the case may be," and for "the House of the People or the Council of States" substitute "Parliament".
99	Omit "either House of".

Article.	Adaptations.
100	In clause (1), for "either House or joint sitting of the Houses" substitute "Parliament", and omit "Chairman or". In clause (2), omit "Either House of". In clause (3), omit "either House of" and for "of the House" substitute "thereof". In clause (4), for "a House" and "the House" substitute "Parliament".
101	In clause (3), omit "either House of" and in sub-clause (b) for "the Chairman or the Speaker, as the case may be" substitute "the Speaker". In clause (4), omit "either House of" and for "the House" substitute "Parliament".
102—104	Omit "either House of".
105	In clause (2), omit "either House of". In clause (3), omit "each House of" and for "committees of each House" substitute "committees thereof". In clause (4), omit "a House of".
106	Omit "either House of".
107	For this article, substitute :— "107. A Bill pending in Parliament shall not lapse by reason of the prorogation of Parliament". Provision as to pending Bills.
108—109	Omit.
110	For "the House of the People" substitute Parliament". In clause (4), omit "when it is transmitted to the Council of States under article 109, and".
111	Omit "the Houses of", for "the Houses" substitute "Parliament" and for "they will reconsider" substitute "Parliament will reconsider".
112	In clause (1), omit "both the Houses of". In clause (3), for sub-clause (b) substitute :— "(b) the salaries and allowances of the Speaker and the Deputy Speaker of Parliament;".
113	In clause (1), omit "either House of". In clause (2), for "the House of the People" substitute "Parliament".
114	In clause (1), for "the House of the People" substitute "parliament". In clause (2), omit "either House of".
115	In clause (1), omit "both the Houses of", and for "the House of the people" substitute "Parliament".
116	In clause (1), for "the House of the People" substitute "Parliament".
117	In clause (1), omit "and a Bill making such provision shall not be introduced in the Council of States". In clause (3), omit "either House of", and for "that House" substitute "Parliament".
118	In clause (1), omit "Each House of". In clause (2), for "the Chairman of the Council of States or the Speaker of the House of the People, as the case may be"

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Article.	Adaptations
	substitute "the Speaker of Parliament".
	Omit clauses (3) and (4).
119	Omit "each House of" and "a House of".
120	In clause (1), for "the Chairman of the Council of States or Speaker of the House of the People" substitute "the Speaker of Parliament" and omit, "as the case may be,".
123	In clause (1), for "both Houses of Parliament are in session" substitute "Parliament is in session".
	In clause (2), omit "both Houses of", and for "resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions" substitute "a resolution disapproving it is passed by Parliament, upon the passing of that resolution", and omit the *Explanation*.
124	In clause (4), omit "each House of", and for "that House" substitute "Parliament".
151	In clause (1), omit "each House of".
158	In clause (1), omit "either House of" and for "that House" substitute "Parliament or that House, as the case may be,".
249	Omit.
251	For "articles 249 and 250" substitute "article 250" and for "either of the said articles" substitute "the said article".
252	In clause (1), for "articles 249 and 250" substitute "article 250"
274	In clause (1), omit "either House of".
281	Omit "each House of".
312	In clause (1), omit "if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do,".
320	In clause ( ), for "each House of Parliament" and "both Houses of Parliament" substitute "Parliament".
323	In clause (1), omit "each House of".
329A (new)	In Part XV, after article 329, insert :—
	"329A. The provisions of article 325 shall not apply in relation to the Legislatures of States functioning under article 382 or article 385 and the provisions of article 326 and clause (*b*) of article 329 shall not apply in relation to the provisional Parliament functioning under article 379 and such Legislatures of States".
	Certain provisions of this Part not to apply to provisional Parliament and provisional Legislatures.
338	In clause (2), omit "each House of."
340	In clause (3), omit "each House of."
348	In sub-clause (*b*) of clause (1), for "either House of Parliament" substitute "Parliament".
352	In clause (2), omit "each House of", for "resolutions of both Houses" substitute "a resolution" and omit the proviso.
354	In clause (2), omit "each House of".

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Article.	Adaptations.
356	In clause (3), omit "each House of", for "resolutions of both Houses" substitute "a resolution" and omit the proviso. In clause (4), for "second of the resolutions" substitute "resolution", in the first proviso omit "both houses of", and omit the second proviso.
357	In clause (1), for "the House of the People" substitute "Parliament".
359	In clause (3), omit "each House of".
361	In clause (1), omit "either House of".
368	Omit "either House of" and "in each House"; and for "that House" substitute "Parliament".
Second Schedule	In paragraph 7, for "the House of the People" substitute "Parliament", omit "and the Chairman of the Council of States" and "and to the Deputy Chairman of the Council of States" and for "salaries" substitute "salary".
Third Schedule	In Form III, for "the Council of States (or the House of the People)" substitute "Parliament/the Council of States (or the House of the People)".
Seventh Schedule	In List I— For entry 73, substitute :— "73. Salaries and allowances of the Speaker, the Deputy Speaker and members of Parliament,". In entry 74, for "each House of Parliament" and "each House" substitute "Parliament".

PART II.

168	In clause (1), for "For every State there shall" substitute "Subject to the provisions of article 382, there shall for every State".
172A (new)	After article 172, insert :— "172A. The provisions of articles 169 to 172 (both inclusive) shall not apply to the House or Houses of the Legislature of any State functioning under Article 382." Certain provisions not to apply to provisional legislatures of States.
174	In clause (2) omit sub-clause (*c*).
178	For this article, substitute :— "178. So often as the office of Speaker or Deputy Speaker of the Legislative Assembly of a State becomes vacant, the Assembly shall choose a member thereof to be its Speaker or Deputy Speaker, as the case may be." The Speaker and Deputy Speaker of the Legislative Assembly.
179	Omit the second proviso.
182	For this article substitute :— "182. So often as the office of Chairman or Deputy Chairman of the Legislative Council of a State becomes vacant, the Council shall choose a member thereof to be its Chairman or Deputy Chairman, as the case may be". The Chairman and Deputy Chairman of the Legislative Council.

Article	Adaptations
238	For clause (6) substitute:— "(6) In article 164— (i) for the proviso to clause (1), the following proviso shall be substituted, namely:— 'Provided that in the State of Madhya Bharat there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled castes and backward classes or any other work.'; (ii) the following clause shall be added at the end, namely:— '(6) The provisions of clauses (3) and (4) shall not apply in relation to a State having no House of the Legislature'." In clause (7), for "For every State there shall" substitute "Subject to the provisions of article 385, there shall for every State". After clause (7), insert:— "(7a) In article 172A, for the word and figure 'article 382' the word and figure 'article 385' shall be substituted." After clause (11), insert:— "(11A) After article 212, the following shall be inserted, namely:— '*Special provisions for certain States.* 212A. (1) The provisions of articles 174 to 189 (both inclusive) 193 to 199 (both inclusive), the first provisio to article 200, the proviso to article 201, clauses (1) and (2) and sub-clause (b) of clause (3) of article 202 and articles 203 to 212 (both inclusive) shall not apply to any State which has no House of the Legislature but clauses (2) and (3) shall apply in relation to such States in place of the said provisions. Certain provisions not to apply to States having no House of the Legislature. (2) The Rajpramukh or other authority exercising the legislative powers in any such State as aforesaid under article 385 shall prepare such Bills as may be deemed necessary, and the Rajpramukh shall declare as respects any Bill so prepared either that he assents to the Bill or that he withholds assent therefrom or that he reserves it for the consideration of the President. (3) Any expenditure from the Consolidated Fund of any such State incurred after the 31st day of March, 1950, whether expenditure charged by this Constitution on such Fund or not, shall be deemed to have been duly authorised if it is included in an Appropriation Act made under clause (2) providing for the appropriation out of the Consolidated Fund of the State of all moneys required to meet such expenditure. (4) Any reference in this Constitution to Acts or laws of, or made by the Legislature of a State shall be construed as including a reference to Acts made under this article.' (11B) To article 213, the following clause shall be added namely:— '(4) The provisions of this article shall not apply in relation to a State having no House of the Legislature.'"

Article.	Adaptations
238A (new)	In Part VII, after article 238, insert :— "238A. Any provisions of this constitution which relate to the laying of any regulation, report or other paper before the Legislature of a State specified in Part B of the First Schedule shall not apply in relation to any such State having no House of the Legislature." (Certain provisions not to apply to States having no House of the Legislature.)
367	In clause (2), add at the end— "or by law made under article 212A".
333A (new)	After article 333, insert :— "333A. The provisions of articles 332 and 333 shall not apply in relation to the Legislatures of States functioning under article 382 or article 385." (Certain provisions not to apply to provisional Legislatures of States.)

RAJENDRA PRASAD,

President.

NOTIFICATION.

No. L.D. 1048—Legis. 37-49-6, dated Bangalore, 9th February 1950. 69

Ordered that the accompanying Constitution (Removal of Difficulties) Order No. III, published in the *Gazette of India*, dated the 26th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

C. O. 6

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER No. III.

In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. III.

(2) It shall come into force at once.

2. During the period of two years from the commencement of this Order, the Constitution of India shall have effect subject to the following adaptations :—

(1) Article 149 shall be renumbered as clause (1) of that article and the following clauses shall be added thereto, namely :—

"(2) Nothing in clause (1) shall apply in relation to the accounts for the period beginning on the twenty-sixth day of January, 1950, and ending on the thirty-first day of March, 1950, of any State specified in Part B of the First Schedule, and the provisions relating to the audit of the accounts of such State in force immediately before the commencement of this Constitution shall continue to have effect in relation to the accounts for the said period of such State.

(3) In its application to the Patiala and East Punjab States Union, clause (2) shall have effect as if for the reference therein to the thirty-first day of March, 1950, there was substituted a reference to the twelfth day of April, 1950."

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(2) To article 270, the following clause shall be added, namely :—

"(5) Any order in force immediately before the commencement of this Constitution relating to the distribution between the Dominion of India and the Provinces of the net proceeds in the financial year ending on the thirty-first day of March, 1950, of taxes on income other than agricultural income shall, on such commencement, continue to have effect and be deemed to be an order made under this article relating to the distribution between the Union and the corresponding States of such net proceeds."

(3) To article 273, the following clause shall be added, namely:—

"(4) Any order in force immediately before the commencement of this Constitution assigning to the Provinces of Assam, Bihar, Orissa or West Bengal any share of the net proceeds in the financial year ending on the thirty-first day of March, 1950, of any export duty on jute or jute products shall, on such commencement, continue to have effect and be deemed to be an order made under this article prescribing the sum so assigned as grant-in-aid of the revenues of the corresponding State."

(4) To article 275, the following clause shall be added, namely :—

"(3) Any order in force immediately before the commencement of this Constitution prescribing any sum to be charged on the revenues of India in the financial year ending on the thirty-first day of March, 1950, as grant-in-aid of the revenues of any Province shall, on such commencement, continue to have effect and be deemed to be an order made by the President under this article providing such sum as grant-in-aid of the revenues of the corresponding State."

(5) To article 390, the following shall be added, namely :—

"or is authorised in accordance with the provisions of article 390A".

(6) After article 390, the following article shall be inserted, namely :—

Provisions as to supplementary grants in respect of the year ending 31st March 1950.

"390A. (1) If in respect of the financial year ending on the thirty-first day of March, 1950, further expenditure from the revenues of India becomes necessary over and above the expenditure theretofore authorised for that year, the President shall cause to be laid before Parliament a supplementary statement showing the estimated

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amount of that expenditure, and the provisions of sections 33, 34 and 35 of the Government of India Act, 1935, shall subject to necessary modifications have effect in relation to that statement and that expenditure as they would have had effect in relation to the annual financial statement and the expenditure mentioned therein if this Constitution had not come into force.

(2) If in respect of the said financial year further expenditure from the revenues of a State specified in Part A of the First Schedule becomes necessary over and above the expenditure theretofore authorised for that year, the Governor of the State shall cause to be laid before the House or Houses of the Legislature of the State a supplementary statement showing the estimated amount of that expenditure, and the provisions of sections 78, 79 and 80 of the Government of India Act, 1935, shall subject to necessary modifications have effect in relation to that statement and that expenditure as they would have had effect in relation to the annual financial statement and the expenditure mentioned therein if this Constitution had not come into force.

(3) If in respect of the said financial year expenditure from the revenues of a State specified in Part B of the First Schedule becomes necessary over and above the expenditure theretofore authorised for that year, the Rajpramukh of the State shall authorise such expenditure in accordance with the rules in force immediately before the commencement of this Constitution governing the authorisation of such expenditure from the revenues of the corresponding Indian State subject to necessary modifications."

(4) In their application to the Patiala and East Punjab States Union, this article and article 390 shall have effect as if for any reference therein to the thirty-first day of March, 1950, there was substituted a reference to the twelfth day of April, 1950."

(7) Paragraph 13 of the Sixth Schedule shall be renumbered as sub-paragraph (1) of that paragraph, and the following sub-paragraph shall be added thereto, namely :—

"(2) The provisions of sub-paragraph (1) shall not apply in relation to the annual financial statement in respect of the financial year beginning on the first day of April, 1950, to be laid before the Legislature of Assam under article 202."

RAJENDRA PRASAD,

President.

NOTIFICATION.

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No. L.D. 1049—Legis. 37-49-7, dated Bangalore 9th February 1950.

Ordered that the accompanying Sales-tax Continuance Order, 1950, published in the *Gazette of India*, dated the 26th January 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government
Law Department.

C. O. 7

THE SALES-TAX CONTINUANCE ORDER, 1950.

In exercise of the powers conferred by the proviso to clause (2) or article 286 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Sales-tax Continuance Order, 1950.

   (2) It shall come into force at once.

2. Any tax on the sale or purchase of goods which was being lawfully levied by the Government of any State immediately before the commencement of the Constitution of India shall, until the thirty-first day of March, 1951, continue to be levied notwithstanding that the imposition of such tax is contrary to the provisions of clause (2) of article 286 of the said Constitution.

RAJENDRA PRASAD,
President.

NOTIFICATION.

No. L.D. 1050—Legis. 37-49-8, dated Bangalore, 9th February 1950. 73

Ordered that the accompanying Preventive Detention (Extension of Duration) Order, 1950, published in the *Gazette of India*, dated the 26th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

New Delhi, the 26th January 1950.

No. C. O. 8.—The following Order made by the President is published for general information :—

THE PREVENTIVE DETENTION (EXTENSION OF DURATION) ORDER, 1950.

In exercise of the powers conferred by sub-clauses (a) and (b) of clause (7) of Article 22 of the Constitution of India read with Article 373 thereof and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Preventive Detention (Extension of Duration) Order, 1950.

(2) It shall come into force at once.

2. Where in any class of cases or under any circumstances specified in any law providing for preventive detention in force at the commencement of the Constitution of India (hereinafter referred to as 'the Constitution') any person was, immediately before such commencement, or is at any time thereafter, in detention in pursuance of an order made under such law, such person may be detained for a period longer than three months under such law without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4) of Article 22 of the Constitution.

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3. The maximum period for which any such person, as is referred to in paragraph 2, may be detained, shall, in the case of a person in detention immediately before the commencement of the Constitution, be three months from such commencement, and in the case of a person detained in pursuance of an order made after such commencement, be three months from the date of such order.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

No. L.D. 1051—Legis. 37-49-9, dated Bangalore, 9th February 1950.

Ordered that the accompanying Scheduled Areas (Part A States) Order, 1950, published in the *Gazette of India*, dated the 26th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

C. O. 9

THE SCHEDULED AREAS (PART A STATES) ORDER, 1950.

In exercise of the powers conferred by sub-paragraph (1) of paragraph 6 of the Fifth Schedule to the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Scheduled Areas (Part A States) Order, 1950.

(2) It shall come into force at once.

2. The areas specified below are hereby declared to be the Scheduled Areas within the States specified in Part A of the First Schedule to the Constitution :—

Bihar.

(1) Ranchi district.

(2) Singhbhum district, excluding Dhalbhum sub-division.

(3) Santal Parganas district, excluding Godda and Deoghar sub-divisions.

(4) Latehar sub-division of Palamau district.

Bombay.

(1) Navapur Petha, Akrani Mahal, and the villages belonging to the Parvi of Kathi, the Parvi of Nal, the Parvi of Singpur, the Walwi of Gaohali, the Wassawa of Chikhli, and the Parvi of Navalpur, in West Khandesh district.

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(2) The Satpura Hills reserved forest areas in East Khandesh district.

(3) Surgana Mahal, Kalvan Taluka and Peint Petha, in Nasik district.

(4) Jawhar, Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas, in Thana district.

(5) Dangs district.

(6) Dharampur, Vijara, Bansda and Songadh Talukas and the villages in the Vankal Tappa and Nanchal areas of the Mangrol Taluka, in Surat district.

(7) Sagbara and Valia Mahals, and Dediapada, Nandol and Jhaghadia Talukas in Broach district.

(8) Chhota Udepur Taluka and the villages of Gad-Boriad Estate of Naswai Taluka, in Baroda district.

(9) Limkheda, Deogadh-Baria and Sant Talukas, and the villages in the old Sanejeli State included in Jhalod Taluka, in Panch Mahals district.

(10) Khedbrahma, Bhiloda and Meghraj Talukas, and Vijayanagar Mahal, in Sabarkantha district.

Madhya Pradesh.

(1) Melghat taluq of Amravati district.

(2) Baihar tahsil of Balaghat district.

(3) Antagarh-Narainpur and Dantewara tahsils, and Kutru and Bhopalpatnam Zamindaris of Bastar district.

(4) Bhainsdehi tahsil of Betul district.

(5) Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of Bilaspur district.

(6) Ahiri Zamindari in the Sironcha tahsil and the Dhanora, Dudmala, Gewardna, Jharapapra, Khutgaon, Kotgal, Muramgaon, Palasgarh, Rangi, Sirsundi, Sonsari, Chandala, Gilgaon, Pai-Muranda and Potegaon Zamindaris in the Gadhchiroli tahsil of Chanda district.

(7) Harrai, Gorakghat, Gorpani, Batkagarh, Bardagarh, Partapgarh (Pagara), Almod and Sonpur Jagirs, and the portion of Pachmarhi Jagir, in Chhindwara district

(8) Ambagarh-Chauki, Aundhi, Koracha and Panabaras Zamindaris of Durg district.

(9) Bazag, Samnapur and Karanjia Revenue Inspectors' Circles of Mandla district.

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(10) Khudia Zamindari in Jashpur tahsil of Raigarh district.

(11) Balrampur Revenue Inspectors' Circle in Pal tahsil and Samri and Changbhakar tahsils of Surguja district.

Madras

(1) Laccadive Islands (including Minicoy) and Amindivi Islands.

(2) East Godavari, West Godavari and Visakhapatnam Agencies.

Orissa.

(1) Koraput, Mayurbhanj and Sundargarh districts.

(2) Ganjan Agency, including Khondmals, but excluding the Chokpad Khandam and the Pandakhol Muttha of Suruda Muliahs.

Punjab.

Spiti and Lahaul in Kangra district.

3. Any reference in the preceding paragraph to a territorial division by whatever name indicated shall be construed as a reference to the territorial division of that name as existing at the commencement of this Order.

RAJENDRA PRASAD,

President.

NOTIFICATION.

No. L.D. 1052—Legis. 37-49-10, dated, Bangalore, the 9th February 1950. 78

Ordered that the accompanying Constitution (Application to Jammu and Kashmir) Order, 1950 published in the *Gazette of India*, dated the 26th January 1950 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

C. O. 10.

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) ORDER, 1950.

In exercise of the powers conferred by clause (*1*) of article 370 of the Constitution of India, the President, in consultation with the Government of the State of Jammu and Kashmir, is pleased to make the following Order, namely :—

1. (*1*) This Order may be called the Constitution (Application to Jammu and Kashmir) Order, 1950.

(*2*) It shall come into force at once.

2. For the purposes of sub-clause (*b*) (*i*) of clause (*1*) of article 370 of the Constitution, the matters specified in the First Schedule to this Order, being matters in the Union List, are hereby declared to correspond to matters specified in the Instrument of Accession governing the accession of the State of Jammu and Kashmir to the Dominion of India as the matters with regard to which the Dominion Legislature may make laws for that State; and accordingly, the power of Parliament to make laws for that State shall be limited to the matters specified in the said First Schedule.

3. In addition to the provisions of article 1 and article 370 of the Constitution, the only other provisions of the Constitution which shall apply in relation to the State of Jammu and Kashmir shall be those specified in the Second Schedule to this Order, and shall so apply subject to the exceptions and modifications specified in the said Schedule.

THE FIRST SCHEDULE.

(*See paragraph* 2.)

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[*Note.*—The number of each entry in this Schedule is the number of the corresponding entry in the Union List.]

1. Defence of India and every part thereof including preparation for defence.

2. Naval, military and air forces; and other armed forces of the Union.

3. Delimitation of cantonment areas, local self-government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas.

4. Naval, military and air force works.

5. Arms, firearms, ammunition and explosives.

6. Atomic energy for the purpose of defence and mineral resources necessary for its production.

9. Preventive detention for reasons connected with Defence, Foreign Affairs or the security of India.

10. Foreign Affairs; all matters which bring the Union into relation with any foreign country.

11. Diplomatic, consular and trade representation.

12. United Nations Organisation.

13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.

14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.

15. War and peace.

16. Foreign jurisdiction.

17. Naturalisation and aliens.

18. Extradition.

19. Admission into, and emigration and expulsion from India; passports and visas.

20. Pilgrimages to places outside India.

21. Piracies and crimes committed on the high seas or in the air; offences against the law of nations committed on land or on the high seas or in the air.

22. Railways, but as respects any railway owned by the State of Jammu and Kashmir, and either operated by that State or operated on its behalf otherwise than in accordance with a contract with the State by the Government of India, limited to the regulation thereof in respect of safety, maximum and minimum rates and fares, station and service terminal charges, inter-change of traffic and the responsibility of the railway administration as carriers of goods and passengers, and as respects any railway which is wholly situate within the State and does not form a continuous line of communication with a railway owned by the Government of India, whether of the same gauge or not, limited to the regulation thereof in respect of safety and the responsibility of the railway administration as carriers of goods and passengers.

25. Maritime, shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by States and other agencies.

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26. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

27. Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein.

28. Port quarantine, including hospitals connected therewith; seamen's and marine hopitals.

29. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.

30. Carriage of passengers and goods by railway, sea or air.

31. Post and telegraphs, telephones, wireless, broadcasting and other like forms of communication.

41. Trade and commerce with foreign countries.

72. Elections to Parliament, and the offices of President and Vice-President; the Election Commission.

73. Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States, and the Speaker and Deputy Speaker of the House of the People.

74. Powers, privileges and immunities of each House of Parliament and of the members and the committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committee of Parliament or commissions appointed by Parliament.

75. Salaries and allowances of the Ministers for the Union; the salaries allowances, and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor-General.

76. Audit of the accounts of the Union.

77. Constitution and organisation of the Supreme Court, and the fees taken therein; persons entitled to practise before the Supreme Court.

Extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.

93. Offences against laws with respect to any of the matters aforesaid.

94. Inquiries and statistics for the purpose of any of the matters aforesaid.

95. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters aforesaid, but, except with the consent of the State Government, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in, or in relation to, the State; admiralty jurisdiction.

96. Fees in respect of any of the matters aforesaid, but not including fees take in any court.

THE SECOND SCHEDULE.

(*See* paragraph 3.)

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Provisions of the Constitution applicable	*Exceptions*	*Modifications*
Part V ...	Articles 72(1) (*c*), 72(3), 133, 134, 135, 136, 138, 145(1) (*c*) and 151(2).	(1) Articles 80 and 81 shall apply subject to the modification that the representatives of the State in the Council of States and the House of the People, respectively, shall be chosen by the President in consultation with the Government of the State. (2) Articles 149 and 150 shall apply subject to the modification that the references therein to the State shall be construed as not including the State of Jammu and Kashmir.
Part XI ...	Articles 247 to 252, clauses (3) and (4) of article 257 and articles 260, 262 and 263.	(1) Clause (1) of article 246 shall apply subject to the provisions of paragraph 2 of this Order, and clauses (2) and (3) of article 246 shall not apply in relation to the State. (2) Clause (1) of article 259 shall apply subject to the modification that after the words "until Parliament by law otherwise provides," the words "and the concurrence of the State to such law has been obtained" shall be deemed to be inserted.
Part XII ...	Articles 264 and 265, clause (2) of article 267, articles 268 to 281, clause (2) of article 283, articles 286 to 291, 293, 295, 296 and 297.	(1) Article 266 shall apply only in so far as it relates to the Consolidated Fund of India and the public account of India. (2) Articles 282 and 284 shall apply only in so far as they relate to the Union or the public account of India. (3) Articles 298, 299 and 300 shall apply only in so far as they relate to the Union or the Government of India.
Part XV ...	Articles 325 to 329 ...	Article 324 shall only in so far as it relates to elections to Parliament and to the offices of the President and Vice-President.
Part XVI ...	Articles 332, 333 and 337 to 342.	(1) Article 330 shall apply only in so far as it relates to seats reserved for Scheduled Castes. (2) Article 334 shall apply only in so far as it relates to the House of the People. (3) Article 335 shall apply only in so far as it relates to the Union.

Provisions of the Consitution applicable	*Exceptions*	*Modifications*
Part XVII ...	Nil ...	The provisions of this Part shall apply only in so far as they relate to the official language of the Union and to proceedings in the Supreme Court.
Part XIX ...	Articles 362, 363 and 365.	(1) Articles 361 shall apply only in so far as it relates to the President. (2) Article 364 shall apply only in so far as it relates to the laws made by Parliament.
Part XX ...	Nil	Article 368 shall apply subject to the additional proviso: "Provided further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by order of the President under clause (1) of article 370."
Part XXI ...	Articles 369, 371 and 373, clause (4) of article 374, articles 376 and 378 and clause (2) of article 388.	(1) In clause (3) of article 376 after the words "Minister for any such State", the words "other than the State of Jammu and Kashmir" shall be deemed to be inserted. (2) Article 389 shall apply only in so far as it relates to Bills pending in the Dominion Legislature. (3) Article 390 shall apply only in so far as it relates to the consolidated Fund of India.
Part XXII ...	Nil	Nil.
First Schedule ...	Nil	Nil.
Second Schedule.	Paragraph 6	Nil.
Third Schedule ...	Forms V, VI, VII and VIII.	Nil.
Fourth Schedule.	Nil	Nil.
Eighth Schedule.	Nil	Nil.

RAJENDRA PRASAD,

President.

NOTIFICATION.

No. L.D. 1053—Legis. 37-49-11, dated Bangalore, 9th February 1950. 84

Ordered that the accompanying Prohibition of Simultaneous Membership Rules, 1950, published in the *Gazette of India*, dated the 26th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

No F. 46/50.C.—In exercise of the powers conferred by clause (2) of article 101 and clause (2) of article 190 of the Constitution of India, the President is pleased to make the following rules, namely :—

1. These rules may be called the Prohibition of Simultaneous Membership Rules, 1950.

2. The period at the expiration of which the seat in Parliament of a person who is chosen a member both of Parliament and of a House of the Legislature of a State specified in Part A or Part B of the First Schedule to the Constitution of India (hereinafter referred to as 'the Constitution') shall become vacant, unless he has previously resigned his seat in the Legislature of such State, shall be fourteen days from the date of publication in the Gazette of India or in the Official Gazette of the State, whichever is later, of the declaration that he has been so chosen :

Provided that in the case where a person who is a member of a House of the Legislature of any such State has been chosen to fill any seat in Parliament under the provisions of clause (3) of article 379 of the Constitution and the declaration that he has been so chosen has been published in the Gazette of India on any date earlier than the twenty-sixth day of January, 1950, the said period shall be the period expiring on the tenth day of February, 1950.

3. The period at the expiration of which the seat of a person who is chosen a member of the Legislatures of two or more States specified in the First Schedule to the Constitution in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States, shall be ten days from the later or, as the case may be, the latest of the dates of publication in the Official Gazettes of such States of the declarations that he has been so chosen.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

85 —

No. L.D. 1054—Legis. 37-49-12, dated Bangalore, 9th February 1950.

Ordered that the accompanying States' Merger (Chief Commissioners' Provinces) Order, 1950, published in the *Gazette of India*, dated the 23rd January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 22nd January, 1950.

No. S. O. 30.—The following Order made by the Governor-General is published for general information :—

THE STATES' MERGER (CHIEF COMMISSIONERS' PROVINCES) ORDER, 1950.

WHEREAS full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of the Indian States of Manipur, Tripura and Vindhya Pradesh are exercisable by the Dominion Government;

NOW, THEREFORE, in the exercise of the powers conferred by section 290A of the Government of India Act, 1935, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. (*1*) This Order may be cited as the States' Merger (Chief Commissioners' Provinces) Order, 1950.

(*2*) It shall come into force on the 23rd day of January, 1950, which day is hereinafter referred to as "the appointed day".

2. (*1*) As from the appointed day, each of the States of Manipur, Tripura and Vindhya Pradesh shall be administered in all respects

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as if it were a Chief Commissioner's Province, and shall respectively be known as the Chief Commissioner's Province of Manipur, Tripura and Vindhya Pradesh.

(2) The said Chief Commissioners' Provinces are hereinafter referred to as "the new Provinces".

3. As from the appointed day, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day, shall be construed as not including a reference to any of the States specified in Article 2 and any reference in any such Act or Ordinance as aforesaid to the Chief Commissioners' Provinces shall be construed as including a reference to the new Provinces.

4. All the law in force in any of the new Provinces or in any part thereof immediately before the appointed day, including orders made under section 3 or section 4 of the Extra Provincial Jurisdiction Act, 1947 (XLVII of 1947), shall continue in force until repealed, modified or amended by the Dominion Legislature or other competent authority:

Provided that no orders shall be made under the said Act by any authority on or after the appointed day in relation to the administration of any of the new Provinces or any part thereof.

For the purposes of this Article "law" includes any ordinance, order, bye-law, rule or regulation having the force of law.

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

No. L.D. 1055—Legis. 37-49-13, dated Bangalore, 9th February 1950. 87

Ordered that the accompanying Madras Partially Excluded Area (Cesser) Order, 1950, published in the *Gazette of India*, dated the 23rd January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 23rd January 1950.

No. S.O. 31.—The following Order made by the Governor-General is published for general information :—

THE MADRAS PARTIALLY EXCLUDED AREA (CESSER) ORDER, 1950.

In exercise of the powers conferred by clause (*b*) of the proviso to section 91 of the Government of India Act, 1935, the Governor-General is pleased to make the following Order :—

1. This Order may be cited as the Madras Partially Excluded Area (Cesser) Order, 1950.

2. As from the 25th day of January, 1950, the area specified in the Schedule to this Order, which forms part of a partially excluded area in the West Godavari District of the Province of Madras, shall cease to be part of that area.

3. All laws which, immediately before the said day, extend to, or are in force in, the Eluru taluk of the West Godavari District, but not in the area specified in the Schedule to this Order shall, as from that day, extend to, or as the case may be, come into force in, the said area ; and all laws which, immediately before the said day, are in

force in the said area, but not in the said taluk, shall on that day cease to be in force in the said area, except as respects things done or omitted to be done before that day.

4. If any difficulty arises out of, or in relation to, the application of Article 3 of this Order, the Governor of Madras may by order notified in the official Gazette make such provision as he considers necessary for the removal of such difficulty.

SCHEDULE

The area comprised in the village of Polavaram in Polavaram firka, excluding the four hamlets known as Itikalakota, Totagondi, Mamidigondi and Devaragondi, adjoining that village.

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

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No. L.D. 1056—Legis.87-49-14, dated Bangalore, 9th February 1950.

Ordered that the accompanying United Provinces (Alteration of Name) Order, 1950, published in the *Gazette of India*, dated the 24th January, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 24th January 1950.

No. S.O. 32.—The following Order made by the Governor-General is published for general information:—

THE UNITED PROVINCES (ALTERATION OF NAME) ORDER, 1950.

WHEREAS it is expedient to alter the name of the Province known as the United Provinces;

AND WHEREAS the views of the Government of the said Province have been ascertained both with respect to the proposal to make this Order and with respect to the provinces to be inserted therein;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 290 of the Government of India Act, 1935, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be called the United Provinces (Alteration of Name) Order, 1950.

(2) It shall come into force at once.

2. As from the commencement of this Order, the United Provinces shall be known as Uttar Pradesh.

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

No. L.D. 1057—Legis. 37-49-15, dated Bangalore, 9th February 1950. 90

Ordered that the accompanying Federal Court (Amendment) Order, 1950, published in the *Gazette of India*, dated the 24th January, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 24th January 1950.

No. S.O. 33.—The following Order made by the Governor-General is published for general information :—

THE FEDERAL COURT (AMENDMENT) ORDER, 1950.

In exercise of the powers conferred by section 201 of the Government of India Act, 1935, and of all other powers enabling him in this behalf, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the Federal Court (Amendment) Order, 1950.

(2) It shall come into force at once.

2. In clause (*b*) of paragraph 6 of the Government of India (Federal Court) Order, 1937 (hereinafter referred to as the Principal Order), for the words "and not more than once," the words "or for two or more periods not exceeding in the aggregate six months" shall be substituted.

3. In paragraph 8 of the Principal Order, for the words from "Extraordinary leave" to "Judge's service as such" the following words shall be substituted, namely, "Extraordinary leave for a period not exceeding six months, or for two or more periods not exceeding in the aggregate six months during the whole period of a Judge's service, may be granted during term-time".

C. RAJAGOPALACHARI,
Governor-General.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION. 91

No. L.D. 1058—Legis. 37-49-16, dated Bangalore, 9th February 1950.

Ordered that the accompanying States' Merger (Bombay) Order, 1950, published in the *Gazette of India*, dated the 25th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION

New Delhi, the 25th January 1950.

The following Orders made by the Governor-General are published for general information.

S. O. 34

THE STATES' MERGER (BOMBAY) ORDER, 1950.

WHEREAS full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Indian State of Sirohi are exercisable by the Dominion Government;

AND WHEREAS it is expedient to provide by order made under section 290A of the Government of India Act, 1935, for the administration of a part of the said State as if it formed part of the adjoining Governor's Province of Bombay;

AND WHEREAS the views of the Government of the said Province have been ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein;

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NOW, THEREFORE, in exercise of the powers conferred by the said section 290A, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the States' Merger (Bombay) Order, 1950.

(2) It shall come into force on the twenty-fifth day of January, 1950.

2. In this Order, " merged area " means the area specified in the Schedule to this Order.

3. As from the commencement of this Order the merged area which now forms part of the Indian State of Sirohi shall be administered in all respects as if it formed part of the Province of Bombay; and accordingly, any reference to an Acceding State in the Government of India Act, 1935, or in any Act or Ordinance made on or after the appointed day shall be construed as not including a reference to the merged area, and any reference in any such Act or Ordinance as aforesaid to the Province of Bombay shall be construed as including the merged area.

4. All laws in force in the merged area immediately before the appointed day shall, as from that day, cease to be in force in that area, and all laws in force in the District of Banaskantha shall, as from that day, extend to, and be in force in, that area :

Provided that anything done or any action taken under the laws in force in the merged area, before the appointed day, shall be deemed to have been done or taken under the corresponding law, extend to, and be in force in, that area as from the appointed day.

Explanation.—In this article " law " includes any Act, Ordinance or Regulation, and any notification, Order, Schedule, Rule, form or bye-law issued, made or prescribed under any Act, Ordinance or Regulation.

5. The provisions of articles 5 to 10 of the States' Merger (Governors' Provinces) Order, 1949, shall apply in relation to the merged area as they apply in relation to a merged State, but subject to the modification that all references therein to " the absorbing Province " and " the appointed day " shall be deemed, respectively, to be references to " the Province of Bombay " and " the date of commencement of this Order ".

6. For the purposes of article 11 of the States' Merger (Governors' Provinces) Order, 1949, the merged area shall be deemed to be included in Schedule II to that Order along with the group of merged States headed by Idar, and the said article shall have effect accordingly.

THE SCHEDULE.

(*See* Article 2)

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The area comprised in the following villages in the Abu Road and Dilwara Tehsils of the Sirohi State, namely :—

1 Abu Road
2 Kesarganj
3 Akra
4 Manpur
5 Santpur
6 Ganka
7 Khadat
8 Umarni
9 Kui
10 Siawa
11 Sangna
12 Panduri
13 Maval
14 Redwa Mota
15 Dona Kakar
16 Dan Yav
17 Mudarla
18 Kiyara
19 Kiyariya
20 Khara
21 Bhesa Sen
22 Amba
23 Mungthala
24 Mirgarh
25 Adaliya
26 Aval
27 Chandela
28 Girwar
29 Bageri
30 Redwa Chhota
31 Behadurpura
32 Chanar
33 Talvarankanaka
34 Ambaveri
35 Mahikheda
36 Fatehpura
37 Chotila
38 Rokhada
39 Muliya Mahadeo
40 Forest Chotila
41 Chandravati
42 Upli Bor
43 Upla Garh
44 Upla Khejra
45 Kiyariya
46 Tokiya
47 Deri
48 Jambudi
49 Jaydara
50 Taleti
51 Dotra
52 Nichala Garh
53 Nichli Bor
54 Nichala Khejra
55 Pava
56 Buja
57 Bori Buj
58 Bosa
59 Dhamariya
60 Men
61 Ranora
62 Rada
63 Surpagala
64 Amthala
65 Od
66 Karoli
67 Kivarli
68 Tunka
69 Derna
70 Tartoli
71 Vasada
72 Morthala
73 Deldar (Jagir)
74 Deldar(Devasthan)
75 Arna
76 Oria
77 Govagam
78 Javai
79 Dhundhai
80 Torna
81 Dilwara
82 Salagam
83 Achalgadh
84 Masgam
85 Sanigam
86 Hetamji
87 Block No. 1 (excluding all that portion to the west of a line drawn from western boundaries of Badar pura, Fatehpura, Maliakhera to south-west point of Block No. 3 and village Masgam).
88 Portion of Block No. 2 on south of the Abu Road.
89 Utraj village Survey Nos. 771 to 785.

C. RAJAGOPALACHARI,

Governor-General.

NOTIFICATION.

No. L.D. 1059—Legis. 37-49-17, dated 9th February 1950.

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Ordered that the accompanying Provinces and States (Absorption of Enclaves) Order, 1950, published in the *Gazette of India*, dated the 25th January, 1950 be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

S. O. 35

THE PROVINCES AND STATES (ABSORPTION OF ENCLAVES) ORDER, 1950.

WHEREAS certain small areas forming part of certain Provinces or Acceding States are surrounded by the territories of certain other Provinces or Acceding States;

AND WHEREAS it is expedient that these enclaves should be included, in and form part of, the Provinces or Acceding States by the territories of which they are surrounded;

AND WHEREAS the Central Government has full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of the enclaves forming part of the Acceding States;

AND WHEREAS in accordance with the provisions of Sections 290, 290A and 290B of the Government of India Act, 1935 the Governor-General has ascertained the views of the Governments of the Provinces concerned both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein;

NOW THEREFORE, in exercise of the powers conferred on him by the said sections and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the Provinces and States (Absorption of Enclaves) Order, 1950.

(2) It shall come into force on the twenty-fifth day of January 1950.

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2. In this Order,—

(a) "appointed day" means the date of the commencement of this Order;

(b) "enclave" means any area specified as such in any of the Schedules to this Order;

(c) "unit" means a Governor's Province, a Chief Commissioner's Province or an Acceding State specified in any of the Schedules to this Order;

(d) "surrendering unit" and "absorbing unit," in relation to an enclave specified in a Schedule mean, respectively, the units specified as such above that enclave in that Schedule;

(e) "Schedule" means a Schedule to this Order.

3. (1) As from the appointed day, every enclave specified in the First Schedule shall cease to form part of the surrendering unit; and shall be included in, and form part of, the absorbing unit.

(2) The boundaries of each of the surrendering units specified in the First Schedule shall be so altered as to exclude from them the enclaves therein specified under it; and the boundaries of each of the absorbing units therein specified shall be so altered as to comprise within them the enclaves therein specified under it.

4. As from the appointed day,—

(a) every enclave specified in the Second Schedule shall cease to form part of the surrendering unit, and the boundaries of that unit shall be so altered as to exclude from them that enclave; and

(b) every such enclave shall be administered in all respects by the absorbing unit as if it formed part of that unit.

5. As from the appointed day every enclave specified in the Third Schedule shall be administered in all respects as if it formed part of the absorbing unit.

6. All property and assets within an enclave which, immediately before the appointed day, vested in the Government of the surrendering unit shall, as from that day, vest in the Government of the absorbing unit.

7. All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of a surrendering unit in relation to an enclave shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the Government of the absorbing unit.

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8. All laws in force in an enclave immediately before the appointed day shall, as from that day, cease to be in force in that enclave, and all laws in force in the absorbing unit shall, as from that day, extend to, and be in force in, that enclave:

Provided that anything done or any action taken under the laws in force in the enclave before the appointed day shall be deemed to have been done or taken under the corresponding law extended to, and in force in, that enclave as from the appointed day.

Explanation :—In this article "law" includes any Act, Ordinance or Regulation, and any notification, order, schedule, rule, form, or bye-law issued, made or prescribed under any Act, Ordinance or Regulation.

9. (1) The Government of each of the absorbing units shall, by order notified in the Official Gazette, provide for the administration of the enclaves, either by constituting them or any part of them into one or more new districts, or by making them or any part of them part of one or more existing districts, or partly by one and partly by the other of the said methods, and may make such further provisions as appears to it to be necessary or expedient for removing the difficulties arising in connection with the absorption of the enclaves in the unit.

(2) Any Order made under this Article may be made so as to be retrospective to any date not earlier than the appointed day.

(3) Any Order made under this Article shall be subject to the same powers of repeal and amendment as laws of the Legislature of that unit.

(4) No order shall be made under this Article after the expiration of six months from the appointed day.

THE FIRST SCHEDULE

[*See* Article 3]

Enclaves transferred from one Province to another Province.

I. Surrendering Unit :—Central Provinces and Berar.

Absorbing Unit :—Vindhya Pradesh.

Enclaves transferred :—

1. Budera village of Banda Tehsil, District Saugor.
2. The following villages of Hatta Tehsil, District Saugor :—
   Madanwa (Bhensroi) Kupi, Udla.

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3. The following villages of Murwara Tehsil, District Jubbulpore :—

Mand, Banjaria, Gundan, Pitehra, Guraiya, Jhanjbar, Pachoha, Junwahi, Bara, Khalond and Kai.

II. Surrendering Unit :—East Punjab.
Absorbing Unit :—Himachal Pradesh.

Enclaves transferred :—

1. Solan Cantonment.
2. Kothkhai.
3. Kotgarh.

III. Surrendering Unit :—Himachal Pradesh.

Absorbing Unit :—East Punjab.
Enclaves transferred :—

1. Built up areas of Sanjauli (201 acres), Barari (62 acres) and Chakkar (61 acres) (including Himachal Pradesh portion of Prospect Hill)

2. Built up area of Kasumpti (excluding the area in which Himacha Pradesh Courts are located) Area 203 acres.

IV. Surrendering Unit :—United Provinces (Uttar Pradesh).
Absorbing Unit :—Himachal Pradesh.

Enclaves transferred :—

Sansog and Bhattar villages of Chakrata Tehsil in Dehra Dun District.

V. Surrendering Unit :—United Provinces (Uttar Pradesh).
Absorbing Unit :—Vindhya Pradesh.

Enclaves transferred :—

1. The following villages of Jhansi District :—

(a) Tila, Kainan and Jugyai villages of Jhansi Tehsil.
(b) Jer, Khiston, Kharon, Jarua and Pahari Buzurg villages of Mau Tehsil.

2. Negawan village of Tehsil Kulpahar in District Hamirpur.
3. The following villages of Banda District :—

(a) Jai Baram, Matra Brahmanan, Khaddi and Silap villages of Tehsil Banda.
(b) Narainpur, Majhgawan, Nayagaon and Sidhpur Kalan villages of Tehsil Naraini.

4. Chaukhandi and Khoha villages of Tehsil Karchhana in District Allahabad.

VI. Surrendering Unit :—Vindhya Pradesh.
Absorbing Unit :—Central Provinces & Berar.
Enclaves transferred :—

1. The following villages of former Nagod State :—
Harduwa, Pipra and Chori.

2. Dhanwahi and Kherwa villages of former Maihar State.
3. The following villages of former Panna State :—
Kherpura, Patha, Dighi, Niwas, Dhoria, Madanpura, Syamer, Singhi, Bhechmai, Udaipura, Baudha, Paira and Paperi.

4. The following villages of former Bijawar State :— 88
Sewra, Barkhera and Seondha.

VII. Surrendering Unit :—Vindhya Pradesh.
Absorbing Unit :—United Provinces (Uttar Pradesh).

Enclaves transferred :—

1. Math and Rampur villages of former Orchha State.
2. The former Samthar State consisting of 101 villages.
3. The following villages of former Datia State :—

Sami, Baroda, Pulia, Bannao, Padri, Babli, Girwasa, Dogkhajrai, Khajuri, Akrol, Dong Akrol, Garaia, Duggattia, Sajera, Dugsajera, Kurcholi, Dung Chabria, Kemra, Nadi Gaon, Dung Kherai, Beri Dong, Chandu Pura, Kampura, Khera, Parsani, Dhasuri, Simora, Jaitpura, Chilora, Mohammad Pura, Bhohahi, Sipura, Salampura, Barkhara, Sikuribujurg, Pajania, Arjunpura, Akniwa, Bara, Jabalpura, Amkhara, Dhanori, Sabali Bujug, Adlispura, Babupura, Katpuri Bhim, Katpuribhoj, Panasi, Katpuri Bujurg, Chakwahi, Jakhela, Sikandarpura, Alampura, Janeshpura, Lalpura, Shikari Khurd, Basit, Rajipura, Sirsajpura, Dogarpur, Karmara, Mehanpura, Babini, Rampura, Jara, Killa, Kanahari, Masodpura, Tiliphpura, Sahpura, Mahalpura, Kharaundi Khurd, Anspuri, Chintapura, Rura, Dabri, Seoni Khurd, Beona, Gangthara, Ranipura, Jhillara, Raipura.

4. The following 28 villages of former Orchha State :—

Bachawali, Barethi, Berisalpura, Muratha, Lohargaon, Kolasra Ghat, Kalyanpur, Budhupura, Bagra Bagri, Laundi, Bhandokar, Amli, Sirwo, Dadpura, Dadpura (Jagir), Chokari, Patha Karka, Rampur, Jalwauli, Sedna, Jhala, Gundaha, Tahauli Kalan, Dhawari, Tai, Majra Tai, Silauri and Madhpura.

5. The former Dhurwai State consisting of nine villages.
6. The former Tori Fatehpur State consisting of thirteen villages.
7. Banka Pahari village of former Banka Pahari State.
8. The following villages of former Bijna State :—
Bagrani, Bhawara, Bijna, Haboli and Basar.
9. The following villages of former Garrauli State :—
Cichora, Sataura, Slipura, Lokharia, Padaria, Kanora, Amanpura, Banchor, Salat and Bhataura.
10. The former Bihat State consisting of 9 villages.
11. Rabai and Churari villages of former Naigawan Rebai State.
12. The former Jigni State consisting of 6 villages.
13. The former Sarila State consisting of 11 villages.
14. The former Baoni State consisting of 52 villages.
15. The former Beri State consisting of 12 villages.
16. Nimahipur, Bankolan Kalan, Sahban and Ladpahari villages of former Ajaigarh State.
17. The former Baraundha State consisting of four villages.

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18. The following 18 villages of former Paldeo State :—
Baroti, Lakoria, Baglai, Padri, Chakla Gurbaba, Dhar Thol, Bihra, Rampura, Kharaha, Hariharpur, Dugwan, Rampur, Makundpur, Mabai, Linjha, Makrá Khurd, Makri Kalan and Rehunta.

19. The former Bhaisaundha State consisting of 5 villages.

20. Chhamu village of former Rewa State.

21. The former Taraon State consisting of 15 villages.

22. The following villages of Pahra State :—
Pahra, Bhikampur, Bharatpur, Mabai, Sheorajpur and Sheorajpur.

23. The following villages of former Charkhari State :—
Barat Pahari, Parsa, Padri, Chorikalan, Barain, Ichhana, Parora, Beri, Kunwa, Pipwara, Pahartha, Garhari, Patha, Kaneri, Salwa, Kamlkhera, Sirhar, Katroli, Rehuniyan, Bihari, Sijora, Kakun, Bamahaurikalan, Purura-Bajpai, Tiratipura, Bamhoria, Natari, Panchampura, Jatora, Kumai, Rawai, Markui, Jawari, Latora Santoshpura, Nib Bari, Garrauli, Ururi, Dumduma, Khirya, Guptmauk, Kohari, Chanikhurd, Sabuba, Kutama. Bamahauri Khurd, Patishtha, Bakhretha, Ragal, Gurha, Lowpuri, Dhurwai, Bijalpur, Sudamapuri. Kaneda, Rajora, Kakra, Bamlitha, Notara, Barikera, Imlikhera, Bamrara, Roshanpura, Sohjana, Itwan, Malkhanpur, Udaipura, Rainpur, Maharajnagar, Rupnagar, Sohargaon, Fatehpur, Majhor, Jardingjanj, Mitlenganj, Bagraun, Dayalpura, Karoradang, Milya, Maharajpura, Gopalpura, Brajpura, Mahauli, Badanpur, Aurera, Padra, Akona, Chakbangaon, Kazipur, Bahgaon and Kudar.

THE SECOND SCHEDULE

[*See* Article 4]

Enclaves transferred from a Province to an Acceding State.

I. Surrendering Unit :—Bombay.
Absorbing Unit :—Rajasthan.
Enclaves transferred : —
Varanba and Sarvana villages of former Wav State.

II. Surrendering Unit :—Bombay.
Absorbing Unit :—Saurashtra.
Enclaves transferred :—

1. The following villages of Viramgam Taluka in Ahmedabad District:—
Derwala, Dhanchi, Gedia, Kherwa, Modhwana, Sakar, Savlana and Tanmania.

2. The following villages of Ranpur Mahal in Ahmedabad District :—
Bhadla Mota, Bodana, Chorvira, Gangajal, Goraiya, Harania, Loya, Matra Nana, Nadala, Nagadka, Ninama, Noli, Ori, Samadiala, Sangoi and Shekhdod.

3. Bhader and Bhalgam villages of Dhari Taluka in Amreli District.
4. Khakhbai and Ningala villages of Khambha Mahal in Amreli District.
5. The following villages of Damnagar Mahal of Amreli District :—
   Ganeshgadh, Ishvaria, Rupavathi and Shiyanagar.
6. Bhimkatta and Pati villages of Okhamandal Taluka in Amerli District.
7. Muglana and Navagam Mota villages of Ghogho Mahal in Amreli District.
8. Panavi and Muldhari villages of Dhanduka Taluka of Ahmedabad District.

III. Surrendering Unit :—Central Provinces and Berar.

Absorbing Unit :—Madhya Bharat.
Enclaves transferred :—
The following villages of Khandwa Tehsil in District Nimar :—

Nagawan, Laundi, Bijgohan, Shahpur, Canapur, Dalchi, Selda, Balabad, Katora, Sangwi, Kheri, Rawer, Pachla, Kankaria, Jaikher, Phangaon, Bhogawan Sipani, Mahegaon, Tajpura, Bhogawan, Nipani, Khanpura, Takli, Dabhar, Lachhora Kalan, Jamnia, Amba, Beria, Khas, Bagda Buzrug, Bagda Khurd, Guraria, Tamolia, Amarpura, Nimkheri, Chitawad, Bhulgaon, Nilkanth, Raharkot, Arsi Mirzapur, Barud.

NOTE.—Total area 93·28 sq. miles including 18 sq. miles of Reserve Forest and the Government tank at Lachhora.

IV. Surrendering Unit :—East Punjab.

Absorbing Unit :—Patiala and East Punjab States Union.
Enclaves transferred :—

1. Dagshai.
2. Barauli including Sabattu.
3. Sanawar.
4. Kasauli.
5. Khallag.
6. Kala.
7. The following 40 villages of Tahsils Samrala and Ludhiana in Ludhiana District :—

   Gajjan Majra, Rurki Kalan, Rurki Khurd, Ladewal, Dheromajra, Jabomajra, Sandhur, Manke, Khiali, Sanor, Chakrohi, Chananwal, Raisar, Bhotna, Chung, Bidhata, Shehana, Burj Fatehgarh, Patti Darska, Malianwala, Kaira, Bakhatgarh, Pakhoke, Chima, Jodhpur, Pholewal, Sandharkhurd, Ghanda Banna, Dhapali, Dhingarh, Alike, Jathoke, Ghareli, Bhunder, Chaoke, Pirkot, Bhaini Chuhar, Bhupwali, Bagrian and Jandiali Kalan.
8. One enclave of Police Station Budhlada of Hissar District consisting of 15 villages.
9. The following 32 villages of Tasils Kaithal and Thanesar in Karnal District :—

   Bibipur Khurd, Dhandhian, Naraingarh, Gutmenrha, Bishangarh, Katakheri, Khakat Khurd, Budhapur, Jattan, Baran, Sidhowal, Rakherha, Main, Mardanheri, Nanansu, Batoi, Khurd, Shadipur, Fatehpur, Kakra, Mavi, Chatehrha, Tullewal, Kishangarh *alias* Darola, Daroli, Nasurpur, Asarpur, Toddarpur, Jamalpur, Paharpur, Danipur-Khudadadpur, Harigarh-Butasinghwala, Kharyal, Rattakheri.

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10. One enclave consisting of the following 16 villages of Tahsil Kharar in Ambala District :—

Bibipur, Batta, Silkapra, Sil, Lonon, Mulanpur, Sadiqpur, Kajjalmajri, Garangan, Ghugha Kheri, Malan Majri, Roopa Heri, Kheri Birusingh, Dadiana, Railon, Bhagan Pur and Gadh Hera.

V. Surrendering Unit .—East Punjab.

Absorbing Unit .—Rajastan.

Enclaves transferred .—

1. The following villages of Tehsil Ferozepur Jhirka in District Guargaon .—
Fatehpur, Ghatmika, Gajuka, Hasamdika.

2. The following villages of Tehsil Rewari in District Gurgaon :—
Sansairi, Shahjahanpur, Foladpur Boari and Chaubara.

VI. Surrendering unit :—Madras.

Absorbing Unit :—Mysore.

Enclaves transferred :—

1. The following villages of Matakasire Taluk of District Anantapur :—
Burdakunte, Palyam, Bettur, Kanajanahalli, Bettagaudawahalli, Honnapuram, Cotagerlahalli, Ballasamudram, Bhilmanakunta, Sarjam, manahalli, Badigondanahalli, Virpugoodanahalli, Erragattupalim. Bullasamudram, Tsautikuntapalli, Narasapwiam.

2. The following villages of Salem District :—
Balapanapalli, Rayasandiram, Tolasandodi, Tulukanapalli, Angisattipalli, Arleri, Karagatannapalli, Upparapalli, Kuntenahalli, Turusandapalli, Ettakodi, Adesundatti, Bandapuram, Agraharam, Madi, valam, Settipalli, Chattihallikere, Moreasure, Nagnyakkanapalli.

3. The following villages of Goondapur Taluk in District, South Kanara. Ratihalli, Gurtakair, Benhatti, Habbige, Hennarmagane R.F., Birdemaru, Bailgi, Honnar, Shirur, Kote Shirur, Baijkal, Lakmane, Nittur, Mairugudda, Kottegudda, Manchagalale, Nagodi, Hoshalli, Malekoppa, Nittur, Markatka, Gachika, Kalkamadi, Holegaru, Nagodi, Hosagudde, Halumane, Garte, Menasinagudde R. F., Holegarugudda, Honnar Magane R. F, Uruthi.

VII. Surrendering Unit :—Madras.

Absorbing Unit :—Travancore and Cochin.

Enclaves transferred :—

1. The Following areas of Tirunelveli District :—
Anjengo (100 acres), Thangasseri (275 acres) and Panagudi (15, 15 acres).

2. The following areas of Malabar District :—
Theneri (82, 58 acres), Vadavannur (63, 41 acres), Peruvemba (51, 72 acres), Kootallur (4, 81 acres), Elapully (31, 06 acres), Elavancheri (6, 06 acres), Panayur (11, 84 acres) and Palathulli (1, 62 acres).

VIII. Surrendering Unit :—United Provinces (Uttar Pradesh). 92

Absorbing Unit :—Madhya Bharat.

Enclaves transferred :—Katha village of Tehsil and District Jalaun.

IX. Surrendering Unit :—United Provinces (Uttar Pradesh).

Absorbing Unit :—Rajasthan.

Enclaves transferred :—

1. Phulwara village of District Muttra.
2. The following villages of District Agra :—
   Mai Gujar, Samauna, Indauli, Jarga.

X. Surrendering Unit :—Bhopal.

Absorbing Unit :—Madhya Bharat.

Enclaves transferred :—

1. The following villages of Ashta Tehsil :—
   Dodi, Harru Keri, Semli Kera.
2. The following villages of Piklon Tehsil :—
   Deoli, Sankrod, Bhainswaya, Nah, Suneti, Ram Nagar, Chopra, Bisrai, Bisraya, Mala, Piklon.
3. The Parlia Mohibba village of Jawar Tehsil.
4. The following villages of Sehore Tehsil :—
   Jamner, Unchod.

XI. Surrendering Unit .—Himachal Pradesh.

Absorbing Unit .—Patiala and East Punjab States Union.

Enclaves transferred :—

Two small portions of Himachal consisting of Rampur Vanka and Kotah villages lying between Simla and Bharauli.

XII. Surrendering Unit .—Vindhya Pradesh.

Absorbing Unit .—Madhya Bharat.

Enclaves transferred :—

1. The following villages of former Khaniadhana State :—

   Pura, Dharampura, Mahrauli, Badali, Bineka, Ganesh Khera, Sanawal Kalan, Deori, Kumhari, Badanpur, Dabia, Khairia, Urahi, Nimkhera, Kanchanpur, Silawal Khurd, Himatpur, Durgapur, Silpura, Pothai, Kundoli, Nadanwara, Mudia, Khaniadhana, Jalimpur, Panihara, Hukumpur.

2. The following villages of former Orcha State .—

   Garrera, Rajapur.

3. The following villages of former Datia State :—

   Barodi, Sawawali Khurd, Tal Bheo, Birpur, Atta, Mau, Toria Kalan, Toria Khurd, Leda, Jagdor, Phuskar, Reo, (a, Gagahari Dabri, Taka Bujurg, Taka Khurd, Sohdowra, Bhusalai Chud B . Nokora, Rai Neja, Pali Pawari, Pardhana, Piprauli, Kamanpura, Naganpur, Bisaipur, Bader, Chanderi, Gurgawan, Barkachari, Bedna, Kodila, Colaria, Kumaria Rai, Lohrahawaili.

THE THIRD SCHEDULE.

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[*See* Article 5]

Enclaves Transferred from an Acceding State to a Province.

I. Surrendering Unit.—Mysore.

Absorbing Unit.—Madras.

Enclaves transferred :—

1. The following villages of Molakalmuru Taluk, District Chitaldrug :—
   Jodi Kasenaikanahalli, Gauripura,
   Jodi Bommunhalli, Bommagatta, Sarva,
   Inam Oblapura and Budenhalli.
2. The following villages of Bangarpet Taluk in District Kolar :—
   Vardikuppa, Bayapparaddihalli, Jodi Volgalkuppa,
   Kayamgutta Harakchinnapalli, Gollahalli, Hosapete and Chinnarat doddi.
3. Kaladasapura village of Malur Taluk, District Kolar.
4. Badagalapur village of Chamarajnagar Taluk in Mysore.

II. Surrendering Unit.—Patiala and East Punjab States Union.

Absorbing Unit.—East Punjab.

Enclaves transferred :—

1. The following 24 villages of sub-Tehsil Bhunga of Capurthala District :—

   Abbuwal, Badala, Baich, Bhatonlian, Bhunga, Chak Khela, Daula-Pur, Dhoot, Dhaulowal, Goraya, Hajipur, Hussainpur, Kabirpur, Coont, Kotli, Lalowal, Nadali, Noorpur, Pandori, Phumbra, Sandhar, Sotla, Shababdin and Taggar.

2. The following villages of Tehsil Sirhind, in Fatehgarh District :—
   Machhiwara, Khanpur, Kotala, Salana, Hiatpura, Gausgarh, Raipur, Akalgarh, Haidon, Loharian, Garhi Sainian, Bhurla, Sharian, Majri Sikhan, Chaurian, Sarwatgarh, Bahumajra, Kauri, Bhatian, Libera, Ikolahi, Iraq, Dhanda, Kotla, Kiri Afghanan, Dolran, Bassi Gujjran, Shamashpur, Amargarh, Mansurpur, Jatana Uncha, Khamanonkamli Khamanon-Kalan, Fraur, Maheshpura, Ranama, Balaspur, Thikriwal, Bhambri, Bhathan Kalan, Sanghol, Bhatan Khurd, Bhota, Chari, Bhamian, Dalwan, Mohan Majra, Pani-chan, Khera, Raipur Rainan, Jhadiala, Ramgarh, Lakhanpur, Jatna Newan, Manderan, Khamanon Khurd, Amrala, Dhianomajra, Kalewal, Polomajra, Naglan, Raia and Bir Ramgarh.
3. Four Revenue Estates of Kapurthala near Jullundur City :—
   Bastinau, Bastishahkuli, Kotla and Kotsaddiq.
4. The following 6 villages in Bhatinda District :—
   Lakhnaurasahib, Mohri, Klalmajra, Tejan, Nadiali and Khera.
5. Sub-Tehsil Bawal of Magindargarh District divided into two enclaves and comprising 75 villages.
6. Two enclaves of Tehsil Rajpura District Patiala consisting of 6 villages.

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7. Chhachrauli area of former Kalsia State (excluding villages of Police Station Dera Sassi) consisting of 115 villages including 13,228 acres of the following Forests area :—

Bagpat, Khallanwala, Kansali, Jakkan, Shehzhadwala, Darpur, Ibrahimpur, Jatanwala, Taharpur, Salimpur Kobi, Ban Santo and Khol Fatehgarh.

III. Surrendering Unit :—Patiala and East Punjab States Union.
Absorbing Unit :—Himachal Pradesh.
Enclaves transferred :—
1. The area called Kufri of Pinjaur District.
2. The following villages of former Nalagarh State.
Dhar Khulag, Goila, Jamrarha, Nathal, Kunjiara, Soreta and Baragraon Jungle.

IV. Surrendering Unit :—Rajasthan.
Absorbing Unit :—Bombay.
Enclaves transferred :—Mial village of former Jodhpur State.

V. Surrendering Unit :—Rajasthan.
Absorbing Unit :—East Punjab.
Enclaves transfered :—Khori and Neemkhera villages of former Bharatpur State.

VI. Surrendering Unit :—Rajasthan.
Absorbing United Provinces (Uttar Pradesh).
Enclaves transferred :—
The following villages of former Bharatpur State :—
Nagla Borha, Nagori, Umri, Shamspur, Bad, Bhainsa, Dharampura, Karahi and Khera Jat.

VII. Surrendering Unit :—Saurashtra.
Absorbing Unit :—Bombay.
Enclaves transferred :—
1. The following villages of former Limbdi State :—
Fatepur, Gounjar, Pachham and Ratanpur.
2. Otaria and Sandhida villages of former Bhavnagar State.
3. The following villages of former Lakhtar State :—
Jalampur, Karakthal Kishol (Moti), Kishol (Nani), Rupavati, Wasan and Wasawa.
4. Mithapur and Odki villages of former Dasada State.
5. The following villages of former Jetpur State :—
Khijidiya, Pania and Venivadar.
6. The following villages of former Lakhapadar Thana :—
Ghadia, Kaner, Lakhapadar, Nini-Garmli, Patla and Vaghavdi.
7. Khantadi village of former Eastern Kathiawar States Agency.

VIII. Surrendering Unit :—Travancore and Cochin.
Absorbing Unit :—Madras.
Enclaves transferred :—
1. The following areas of former Cochin State :—
Isolated bit of Nalleppali villages (117 acres 30 cents), Isolated bit of Chittoor village (31 acres 99 cents), Thathamangalam village (159 acres 89½ cents) and Vallanazhi village (51 acres 19 cents).

C. RAJAGOPALACHARI,
Governor-General.

NOTIFICATION. 95

No. L.D. 1060—Legis. 37-49-18, dated 9th February 1950.

Ordered that the accompanying India and Hyderabad (Exchange of Enclaves) Order, 1950, published in the *Gazette of India*, dated the 25th January 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

S. O. 36

THE INDIA AND HYDERABAD (EXCHANGE OF ENCLAVES) ORDER, 1950.

WHEREAS by Agreement made on the twenty-third day of January, 1950, between the Governor-General of India and the Nizam of Hyderabad, it has been decided to effect, as from the twenty-fifth day of January, 1950, a mutual exchange of certain enclaves forming part of the State of Hyderabad with certain enclaves forming part of the Dominion of India in the Provinces of Madras and Bombay;

AND WHEREAS it is expedient to provide for the said exchange and for certain matters arising therefrom;

AND WHEREAS the Governor-General has ascertained the views of the Governments of Madras and Bombay both with respect to the proposal to make this Order and with respect to the provisions to be inserted therein;

NOW, THEREFORE, in exercise of the powers conferred on him by section 290 of the Government of India Act, 1935, and of all other powers enabling him in that behalf; the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the India and Hyderabad (Exchange of Enclaves) Order, 1950.

(2) It shall come into force on the twenty-fifth day of January, 1950.

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2. In this Order,—

(a) "Agreement" means the Agreement set out as an Annexure to this Order, being the Agreement made on the twenty-third day of January, 1950, between the Governor-General of India and the Nizam of Hyderabad;

(b) "central purposes" means the purposes of Government relatable to any of the matters mentioned in the Federal Legislative List;

(c) "enclave" means any of the Hyderabad enclaves in Madras or the Hyderabad enclaves in Bombay;

(d) "absorbing Province", in relation to an enclave, means the Province in which that enclave is included by the provisions of this Order;

(e) all expressions defined in Article I of the Agreement and used in this Order shall have the same meanings as in the Agreement.

3. As from the appointed day,—

(a) the Madras enclaves in Hyderabad shall cease to form part of the Province of Madras;

(b) the Hyderabad enclaves in Madras shall be included in, and form part of, the Province of Madras;

(c) the boundaries of the Province of Madras shall be so altered as to exclude from them the Madras enclaves in Hyderabad and to comprise within them the Hyderabad enclaves in Madras.

4. As from the appointed day,—

(a) the Bombay enclaves in Hyderabad shall cease to form part of the Province of Bombay;

(b) the Hyderabad enclaves in Bombay shall be included in, and form part of, the Province of Bombay;

(c) the boundaries of the Province of Bombay shall be so altered as to exclude from them the Bombay enclaves in Hyderabad and to comprise within them the Hyderabad enclaves in Bombay.

5. All property and assets within an enclave which immediately before the appointed day, vested in the Government of Hyderabad shall, as from that day, vest in the Government of the absorbing Province, except such property and assets as were immediately before that day, held by the Government of Hyderabad for central purposes.

6. All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of Hyderabad in

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relation to an enclave shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the Government of the absorbing Province, except such of the said rights, liabilities and obligations as are relatable to central purposes.

7. All laws in force in an enclave immediately before the appointed day, shall, as from that day, cease to be in force in that enclave, and all laws in force in the absorbing Province shall as from that day, extend to, and be in force in, that enclave:

Provided that anything done or any action taken under the laws in force in the enclave before the appointed day shall be deemed to have been done or taken under the corresponding law extended to, and in force in, that enclave as from the appointed day.

EXPLANATION.—In this Article, "law" includes any Act, Ordinance or Regulation and any notification, order, scheme, rule, form and bye-law issued, made or prescribed under any Act, Ordinance or Regulation.

8. (1) The Government of each of the absorbing Provinces shall, by order notified in the official Gazette, provide for the administration of the enclaves included in the Province, either by constituting them or any part of them into one or more new districts, or by making them or any part of them part of one or more existing districts or partly by one and partly by the other of the said methods, and may make such further provision as appears to it to be necessary or expedient for removing the difficulties arising in connection with the absorption of the enclaves in the Province.

(2) Any order made under this Article may be made so as to be retrospective to any date not earlier than the appointed day.

(3) Any order made under this Article shall be subject to the same powers of repeal and amendment as laws of the Legislature of that Province.

(4) No order shall be made under this Article after the expiration of six months from the appointed day.

ANNEXURE.

AGREEMENT made this twenty-third day of January 1950 between the Governor-General of India and the Nizam of Hyderabad.

WHEREAS certain small areas forming part of the State of Hyderabad are surrounded by the territories of the Dominion of India and certain small areas forming part of the Dominion of India are surrounded by the territories of Hyderabad;

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AND WHEREAS it is in the best interests of the people of the said areas that mutual exchange of these enclaves should be effected;

It is hereby agreed as follows:—

ARTICLE I.

In this Agreement,—

(a) "appointed day" means the twenty-fifth day of January 1950;

(b) "Hyderabad enclaves in Madras" and "Hyderabad enclaves in Bombay" mean, respectively, the areas specified in Parts A and B of the First Schedule to this Agreement, being areas now forming part of Hyderabad but surrounded by the territories of the Dominion of India in the Provinces of Madras and Bombay, respectively;

(c) "Madras enclaves in Hyderabad" and "Bombay enclaves in Hyderabad" mean, respectively, the areas specified in Parts A and B of the Second Schedule to this Agreement, being areas now forming part of the Dominion of India in the Provinces of Madras and Bombay, respectively, but surrounded by the territories of Hyderabad;

(d) "Hyderabad" means the State of Hyderabad.

ARTICLE II.

As from the appointed day,—

(a) the Hyderabad enclaves in Madras and the Hyderabad enclaves in Bombay shall cease to form part of Hyderabad and shall be included in, and form part of, the territories of the Dominion of India; and

(b) the Madras enclaves in Hyderabad and the Bombay enclaves in Hyderabad shall cease to form part of the Dominion of India in the Provinces of Madras and Bombay, respectively, and shall be included, and form part of Hyderabad.

ARTICLE III.

As from the appointed day,—

(a) all property and assets within the Hyderabad enclaves in Madras or within the Hyderabad enclaves in Bombay, which, immediately before that day, vested in the Government of Hyderabad shall vest in the Dominion of India, unless the Governor-General of

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India by statutory order provides for the vesting of any such property or assets in the Province of Madras or Bombay, as the case may be;

(b) all property and assets within the Madras enclaves in Hyderabad or within the Bombay enclaves in Hyderabad which, immediately before the appointed day, vested in the Dominion of India or the Province of Madras or the Province of Bombay shall, as from that day, vest in the Government of Hyderabad.

ARTICLE IV.

As from the appointed day,—

(a) all rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of Hyderabad in relation to the Hyderabad enclaves in Madras or the Hyderabad enclaves in Bombay shall, respectively, be the rights, liabilities and obligations of the Government of the Dominion of India, unless the Governor-General by statutory order provides for any of those rights, liabilities and obligations being the rights, liabilities and obligations of the Province of Madras or Bombay, as the case may be; and

(b) all rights, liabilities and obligations, whether arising out of a contract or otherwise, of the Government of the Dominion of India or of the Province of Madras or of the Province of Bombay in relation to the Madras enclaves in Hyderabad or the Bombay enclaves in Hyderabad, shall respectively be the rights, liabilities and obligations of the Government of Hyderabad.

THE FIRST SCHEDULE.

PART A.

Hyderabad Enclaves in Madras.

The following villages of Madhira Taluk, Warangal District :—

Kodavatkallu including the hamlets of Ustepalli and Kondapeta, Patiala, Battulupadu, Mogaluru, Atkuru, Peta, Tekalpalli, Santapalli, Gangapadu, Kotturu, Pullarlamudi, Chikalgudam, Buruvancha, Malavalli, Pullampad.

PART B.

Hyderabad Enclaves in Bombay.

1. Belwara village of Patoda Taluka in District Bid.

2. Borgaon village of Osmanabad Taluka in District Osmanabad :—

3. The following villages of Parenda Taluka in District Osmanabad.

Shelgaon, Sultanpur, Shirpad Pimpri, Anjangaon, Jamgaon (Byarg), Kevda, Sultanpur, Chavanvadi, Hatkarwadi, Kapsewadi, Dhanora, Manegaon, Bujrugwadi, Pachpundwadi, Kairao, Ridhore, Bhawarja (Byarg), Sindri Jagir, Upla village including hamlets of Wangiwadi, Irla and, Tawarwadi.

4. Andewadi (J) village in District Gulburga. Kakerbli Madbal, and Dholar villages in Jeevargi taluq.

5. Bhatnoor and Nagarbetta villages in Taluk Shorapur.

6. Gadesankpur village in Taluk Lingsugur.

7. The following villages in Taluq Kushtagi :—

Mullapur (J), Sarjapur, Santgira, Baleguda, Chigalgundi, Hanamsagar Kurbannal (J), Itgi (J), Gulguli (J), Mugli.

8. Hirlagundi (J) village in District Raichur.

9. The following villages of Tuljapur Taluka in District Osmanabad :—

Raulgaon, Astha, Pophali, Virwad Khurd, Shivni, Karamba (J), Warlegaon Chikhelli (J), Yellamwadi, Pawarwadi, Bopla, Yekoda, Mangoli, Baberwadi, Waloja, Degaon, Sasora, Ghorpadi, Daksal, Mansi, Bhagachiwadi, Kowtali, Saklewadi, Kalman, Maslachowadhari, Padshli, Wangi Inchgaon, Khaneshwar, Bhoir, Ranmasla, Dharpal, Nanaj, Mohtechiwadi, Gharilachiwadi.

10. The following villages of Ashti Taluka in District Bid :—

Kavadgaon, Hasnabad, Girvalli, Pimpalkhed, Chandi, Aghi, Khamgaon, Dhancra, Fakhirabad, Halgaon, Nanj, Wagh, Javalki, Dhanegaon, Jawla, Tartgaon, Balegaon, Rodegaon, Borgaon, Dimeshwar.

NOTE.—'J' shown against a village indicates Jahagir.

THE SECOND SCHEDULE.

PART A.

Madras Enclaves in Hyderabad.

I. The following villages in Lingagiri Group of District Kistna :—

Kalvapalli, Kavasaram Guddam, Sarva Varam, Laxmi Puram, Linga Giri, Lekka Varam, Srinivas Puram, Sitaram Puram, Kundish Guddam, Ganuga Banda, Am avaram, Ayanna Guddam (Anjneyapuram).

2. The following villages of District Warangal :—

Mulu Kumadeo (Mulugumadu), Malla Varam and Rumapi Malla (Rumpimalla).

PART B.

Bombay enclaves in Hyderabad. 101

1. The following villages of Nandgaon Taluka in District Nasik :—

Kawitkhede, Anchalgaon, Balhegaon, Hingane Kanad, Sakegaon, Pokhat Kanad, Babul Khede, Khirdi Kanad, Salegaon, Malegaon, Bhokargaon.

2. The following villages of Chalisgaon in District East Khandesh :—

Narsingpur, Maranpur, Malpur, Vadali Pra Kanad, Bokangaon, Palasgaon, Banshendra, Hatnur, Jamadi Pra Kanad, Chapaner, Jalgaon Pra Kanad, Wodolwadi, Chikalthan, Withalpur.

3. Malunja (Budruk) village of Nevasa Taluka in District Ahmednagar :—

4. The following villages of Patardi Taluka in District Ahmednagar :—

Arvi, Jhapewadi, Sarocr, Kanujwadi, Koalwadi, Rakshas Bhawan, Hinganwadi, Gomalwadi, Hingalwadi, Pimpalwadi.

5. The following villages of Jamkhed Mahal in District Ahmednagar :—

Khokar Mohu, Ghogawadi, Buragwadi, Rupawadi, Shirasmarga, Kalwadi, Bandalwadi, Taratwadi, Deemakwadi, Soangaon, Murshidpur, Khelad, Dongargaon, Devi Nimbagaon, Kada, Seri (Khurd), Gandiwadi, Kansiwadi, Amwadi, Kaswadi, Brahmangaon, Bhalaoni, Hajipur, Handewadi, Amalner, Pimpalwandi, Pangri, Ambawadi, Masarwadi, Chendorwadi, Jadowadi, Saradwadi, Bidarwadi, Depotwadi, Kusulamb, Godewadi, Bharatwadi, Nalwandi, Bongarkinni, Batachiwadi, Naskwadi, Pimpalgaon Dhar, Nirgudi, Kodewadi, Tirumalwadi, Bida wadi, Domri, Maibwadi, Ganjwadi, Bhidasangvi.

6. The following villages of Sholapur Taluka in District Sholapur :—

Hadalgi, Kukrambawadi, Thadala, Kukramba, Katachiwadi, Mangrole Sardwadi, Khandikarwadi, Arlibudruka, Kalegaon, Kasarjawalga.

7. The following villages of Barsi Taluka in District Sholapur :—

Savargaon, Upla, Wagoli, Kajla, Pawarwadi, Rajwadi.

8. Sonari Village of Karmala Taluka in District Sholapur.

9. Ainapur and Bhilwad villages of Sindgi Taluka in District Bijapur.

10. The following villages of Ron Taluka in District Dharwar :—

Hagdahal, Hirejundgud, Hirebahadurdinni, Hanmanhal.

In confirmation whereof His Exalted Highness the Nizam of Hyderabad and His Excellency the Governor-General of India have appended their signatures hereto.

MIR USMAN ALI KHAN.
C. RAJAGOPALACHARI.

C. RAJAGOPALACHARI,
Governor-General.

NOTIFICATION.

No. L.D. 522—Legis. 4-50-13, dated Bangalore 17—18th May 1949. 162

Ordered that the accompanying Government Premises (Eviction) Rules, 1950 and Ministry of Defence Notification No. 13/E., dated the 1st May 1950, published in the *Gazette of India*, dated the 1st May 1950, be republished in the *Mysore Gazette*, for General information.

By Order of His Highness the Maharaja

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF DEFENCE.

New Delhi, the 1st May 1950.

No. 12/E.—In exercise of the powers conferred by section 10 of the Government Premises (Eviction) Act, 1950 (XXVII of 1950), the Central Government is pleased to make the following rules, namely :—

1. *Short title.*—These rules may be called the Government Premises (Eviction) Rules, 1950.

2. *Definitions.*—In these rules,—

(*a*) "Act" means the Government Premises (Eviction) Act, 1950 (XXVII of 1950);

(*b*) "form" means a form appended to these rules.

3. *Form and manner of service of notice.*—(1) A notice issued under section 3 of the Act shall be in Form A and a notice issued under section 4 of the Act shall be in Form B

(2). Every such notice shall be served by post or by delivering a copy of it to the person concerned or to an adult member of his family residing with him in the same premises or, if there is no such person, by a copy of the notice being affixed on some conspicuous part of the Government premises in unauthorised occupation.

4. *Possession not to be taken after sunset or sunrise.*—No such Government premises shall for the purpose of taking possession thereof be entered into after sunset or before sunrise.

5. *Assessment of damages.*—(1) The damages under section 4 of the Act shall be assessed after the person from whom such damages are to be recovered is given a reasonable opportunity of being heard in the matter.

2) In assessing such damages the competent authority shall take into consideration the following matters, namely :—

(*a*) the purpose and the period for which the Government premises were in unauthorised occupation;

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(b) the nature and the quality of the accommodation available in such premises;

(c) the rent that would have been realised if the premises had been let on rent for the period of unauthorised occupation;

(d) any injury done to the premises during the period of unauthorised occupation;

(e) any other matter which, in the opinion of the competent authority, is relevant for the purpose of assessing the damages.

6. *Manner and procedure to be followed in appeals.*—(1) An appeal under section 5 of the Act shall be addressed to the Secretary to the Government of India in the Ministry of Defence.

(2) Every such appeal shall contain the grounds of appeal and shall be accompanied by a copy of the order against which the appeal is preferred.

FORM A.

(Form of notice under section 3)

To

.....

Whereas I, the undersigned, am satisfied that you are in possession of the Government premises described in the Schedule in contravention of the provisions of section 3 of the Government Premises (Eviction) Act, 1950 (XXVIII of 1950), I hereby call upon you to vacate the said premises within fifteen days from the date of the service of this notice.

I am to warn you that in case you fail to vacate the said premises within the period specified above, you will be liable to be forcibly evicted therefrom.

Date *Competent authority.*

SCHEDULE.

(Description of Government premises).

FORM B. 104

(Form of notice for payment of damages)

To

.....

Whereas in exercise of the powers conferred upon me by section 4 of the Government Premises (Eviction) Act, 1950 (XXVII of 1950), I have assessed Rs. as damages payable by you in respect of the premises described in the Schedule, I hereby call upon you to pay the said amount within days from the date of the service of this notice, failing which the said amount shall be recovered from you as arrears of land revenue:

Competent authority.

Date.

SCHEDULE.

(Description of Government premises).

No. 13/E.—In pursuance of clause (*a*) of section 2 of the Government Premises (Eviction) Act, 1950, (XXVII of 1950), the Central Government is pleased to authorise each of the persons mentioned in Column 1 of the subjoined table to perform the functions of a competent authority under the said Act for the area specified in the corresponding entry in Column 2 of the said table.

THE TABLE.

Person	*Area*
Sub-Area Commander, Deccan (I) Sub-Area ..	Within the Military boundary of Deccan (I) Sub-Area.
Sub-Area Commander, Jubbulpore (I) Sub-Area ...	Within the Military boundary of Jubbulpore (I) Sub-Area.
181 Indep. Bde. Gp. Shillong ...	... Within the Military boundary of 181 Indep. Bde. Gp, Shillong.
Sub-Area Commander, Sub-Area ...	.... Within the Military boundary of Bangalore Sub-Area.
Sub-Area Commander, Madras Sub-Area ...	... Within the Military boundary of Madras Sub-Area.
Sub-Area Commander, Poona Sub Area ...	... Within the Military boundary of Poona Sub-Area.
Sub-Area Commander Bombay Sub-Area ...	... Within the Military boundary of Bombay Sub-Area.
Area Commander, 301 Area ...	... Within the Military boundary of 301 Area.
Area Commander. 202 Area ...	... Within the Military boundary of 202 Area:
Sub-Area Commander, Meerut Sub-Area ...	... Within the Military boundary of Meerut Sub-Area.
Area Commander, 201 Area ...	... Within the Military boundary of 201 Area.
Sub-Area Commander, Lucknow, Sub-Area	... Within the Military boundary of Lucknow Sub-Area.
Sub-Area Commander, Jullunder Sub-Area	... Within the Military boundary of Jullundur Sub-Area.
Sub-Area Commander, Ambala Sub-Area.	... Within the Military boundary of Ambala Sub-Area.

H. M. PATEL, *Secy.*

iv-*k*

NOTIFICATION.

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No. L.D. 523—Legis. 4-50-14, Bangalore, dated 17—18th May 1950.

Ordered that the accompanying Amendments to the Indian Aircraft Rules, 1920, published in the *Gazette of India*, dated the 29th, April 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

NOTIFICATION

New Delhi, the 19th April 1950.

S.R.O. 24.—In exercise of the powers conferred by Sections 5 and 16 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to directs that the following further amendments shall be made in the Indian Aircraft Rules, 1920, the same having been published as required by section 14 of the said Act, namely :—

In the said Rules—

(1) In the heading of Part IX and in all rules in that Part, for the words "the Provinces of India" wherever they occur; the word "India" shall be substituted.

(2) In rule 53—

(a) for the words "Governor-General-in-Council" the words "Central Government" shall be substituted;

(b) In clause (a), after the word "aerodrome" where it occurs for the first time, the words "in India" shall be inserted.

(3) For rules 64 and 64-A, the following rule shall be substituted, namely :—

"64. These rules extend to the whole of India except the State of Hyderabad."

(No. 10-A/2-48.)

P. K. ROY, *Dy. Secy.*

NOTIFICATION. 106

No. L.D. 529—Legis. 6-50-3, Bangalore, dated 19—20th May 1950.

Ordered that the accompanying Notification No. 14 (118) Cus.—50, dated the 10th May 1950, of the Ministry of Rehabilitation under the Administration of Evacuee Property Act, 1950, published in the *Gazette of India*, dated the 13th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION.

New Delhi, the 10th May 1950

No. 14 (118) *Cus.*—50.—In exercise of the powers conferred by section 52 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government is pleased to exempt the following classes of persons from the operation of sub-clause (i) of clause (d) of section (2) of the said Act, namely :—

(a) Any person who on or after the 15th day of August, 1947, migrated from India to Pakistan but has returned to India before the 18th day of July, 1948, and is employed in some gainful occupation in India and has not subsequently paid any visit to Pakistan.

Explanation.—For purpose of this clause a temporary visit to Pakistan in the circumstances and subject to the conditions specified in clause (b) shall not be deemed to be a visit to Pakistan.

(b) Any person who has left or leaves for Pakistan on a temporary visit taking with himself a "No objection to return" certificate, and has returned, or returns, to India under a valid permit issued under the Influx from Pakistan (Control) Act, 1949, for permanent return to India, provided that such person has not subsequently made any other journey to Pakistan except in similar circumstances and subject to the same conditions.

(c) Any person who has come from Pakistan to India before the 18th day of October, 1949, under a valid permit issued under the Influx from Pakistan (Control) Act, 1949, for permanent re-settlement in India :

Provided that before the said date all the members of his family wholly dependent upon his earnings for the provision of the ordinary necessaries of life have also come from Pakistan to India under similar permits, and provided further that neither such person nor any member of his family as hereinbefore described has subsequently left for Pakistan.

2. Nothing in this notification shall apply to any person who has settled in Pakistan and has been visiting India merely for the purpose of looking after his property or other interest.

V. D. DANTYAGI, *Joint Secy*

NOTIFICATION.

No. L.D. 533—Legis. 5-50-6, dated Bangalore, 23rd May 1950. 107

Ordered that the accompanying Supreme Court (Decrees and Orders) Enforcement Order, 1950, published in the *Gazette of India*, dated the 12th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

New Delhi, dated the 12th May 1950.

S.R.O. 49.—The following Order made by the President, is published for general information :—

THE SUPREME COURT (DECREES AND ORDERS) ENFORCEMENT ORDER, 1950.

C.O. 14.—In exercise of the powers conferred by clause (1) of article 142 of the Constitution of India and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :—

1. (*1*) This Order may be called the Supreme Court (Decrees and Orders) Enforcement Order, 1950.

(*2*) It shall come into force at once.

2. Notwithstanding anything contained in any other law in force at the commencement of this Order, any decree passed or order made by the Supreme Court in the exercise of its appellate jurisdiction, including any order as to the costs of, and incidental to, any proceedings in the exercise of such jurisdiction, whether such decree or order was passed or made before or after the commencement of this Order, shall be enforceable in accordance with the provisions of law for the time being in force relating to the enforcement of decrees or orders of the Court or Tribunal from which the appeal to the Supreme Court was preferred or sought to be preferred.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 8455—L.W. 58-49-13, Bangalore, dated 15th March, 1950.

In exercise of the powers conferred by Sub-Section (2) of Section 6 of the Mysore Minimum Wages Act, 1949, (XXIX of 1949), the Rajpramukh of Mysore, His Highness the Maharaja, is pleased to publish the *Report of the Committee constituted under clause (*a*) of sub-section (1) of the said sections in Government Notification No. L.S. 5946—L.W. 97-48-4, dated 13th May 1949, to enquire and advise Government regarding fixation of minimum wages and minimum workloads in respect of employment in K.G.F. Mining and Metallurgical Operations.

Representations from the public, if any, may be sent to the Legal Remembrancer and Secretary to Government, Law Department, for consideration so as to reach

*Schedules and Appendices will be published in a later issue.

him on or before the 1st July 1950. Representations received after the said date will not be taken into consideration.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and

Secretary to Government,

Law Department.

REPORT OF THE K.G.F. MINIMUM WAGE COMMITTEE.

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CHAPTER I.

INTRODUCTORY.

The Government appointed this Committee under the Mysore Minimum Wages Act to advise them regarding the fixation of minimum wages in the Gold Mining Industry. The following are the members of this Committee :—

1.	*Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, (*Chairman*).	
2.	*Mushir-ul-Mulk* Janab Mohamed Imam,	Independent persons.
3.	Sri V. Venkatappa.	
4.	Sri L. Sundararaja Iyengar.	Representatives of Employees.
5.	Sri S. O. Bagyanathan.	
6.	Sri Rathnasabhapathy.	
7.	Mr. Peter Best.	Representatives of Employers.
8.	Mr. H. J. Skinner.	
9.	Mr. T. Williams.	

Secretary :—Sri T. Sadasivaya, B.A.

In Notification S.R. 5946—L.W. 97-48-4, dated 13th May 1949, *Rajadharmaprasakta* Sri A. R. Nageswara Iyer had been appointed Chairman of the Committee and Mr. D.H.McCall as one of the members representing the employers. Subsequently, by Notification L.S. 934—R.W. 84-49-2, dated 6th October 1949, *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar was appointed Chairman in place of *Rajadharmaprasakta* Sri A. R. Nageswara Iyer who requested for relief. Mr. T. Williams was appointed as member in place of Mr. D. H. McCall.

The terms of reference as appear from Notification No. S.R. 5946—L.W. 97-48-4, dated 13th May 1949 (App. I), are as follows :—

"In exercise of the powers conferred by clause (*a*) of sub-section (1) of Section 6 read with Section 9 of the Mysore Minimum Wages Act, 1949 (XXIX of 1949), the Government of His Highness the Maharaja are pleased to appoint a Committee consisting of the above persons to hold enquiries and advise the Government regarding the fixation of minimum rates of wages and minimum workloads in respect of employment in the Kolar Gold Field Mining and Metallurgical operations."

The Committee held meetings on the 19th October, 28th and 29th November, and 6th and 7th December 1949, at Oorgaum; 20th and 21st December 1949 at Bangalore; 9th and 10th January 1950, at Oorgaum; 23rd and 24th January, and 4th February 1950, at Bangalore. The Proceedings are appended (App. II).

There are five Labour Associations on the Kolar Gold Field. The Nundydroog Mines Labour Association, the Oorgaum Mine Labour Association, the Champion Reef Mines Labour Association, the Mysore Mine Labour Association and the K.G.F. Electricity Department Labour Association. Messrs. John Taylor & Sons (India), Ltd., who are the Managers and Secretaries of the four mining companies and the K.G.F. Electricity Department represent the employers. The Labour Associations and the employers were requested to file full and detailed written statements for fixing minimum wages as also workloads. The written statements filed by the Labour Associations are appended (App. III series). They are all almost exactly similar. Their replies to the statement of the employers are also in App. III series. The employers have filed one common statement and a reply to the statements of the Labour Associations and these are in App. IV.

The members of the Committee visited some of the workspots underground in the Nundydroog Mines to get an idea of the working conditions of the labourers. They also visited the Fitting Shop in the Oorgaum Mines and some of the workspots on the surface and the Mysore Mine Metallurgical and Cyanide operations. They also visited some of the workmen's lines where they live and examined at random some 40 families to ascertain the average size and composition of a worker's family.

Mr. Sundararaja Iyengar raised at the outset the question if the employees of the Kolar Brick-Making Company, Limited, come under the terms of reference. The representatives of labour in the Committee held the view that as the Company supplied materials such as crucibles, etc., to the Mines and as it was also managed by John Taylor & Sons, Ltd., it was desirable that this Committee should fix minimum wages for this Industry also. The representatives of the employers on the other hand were of the view that as it was an independent concern and had no connection with Mining and Metallurgical operations, the employees thereof did not

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come under the terms of reference. The matter was referred to the Government requesting them to clarify the terms of reference whether the Kolar Brick-Making Company, Ltd., is included in the terms of reference or not. No reply has yet been received.

Next, Mr. Bagyanathan raised the question if the K G.F. Hospital employees come under the terms of reference. Employment in hospitals is not included in the schedule to the Minimum Wages Act, nor is it any process or branch of work forming part of Mining or Metallurgical operations. Consequently, employment in the Hospitals does not come within the terms of reference.

CHAPTER II.

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General Principles for the Fixation of Wages.

There is no statutory definition of minimum wages in the Minimum Wages Act, or in the statutes of other countries. There are no precedents for guidance in this country. No single underlying principle or consistent body of principles have been laid down by Wage Boards or Committees or Arbitration Courts in regard to fixation of minimum wages owing to lack of statutory guidance and the conflicting nature of the consideration which they have to take into account. As legislation itself has set up no definite standard for the wage to be paid, there have been, inevitably constant wrangling before Wage Boards as to the proper definition of a minimum wage, and rates fixed have generally represented compromises. Still, there are certain general principles which it will be useful to grasp.

The workers' share in the national wealth is wages. Its regulation is not a matter of individual bargaining exploiting the workers' need, but a question of equitable distribution of the national dividend. It must correspond to the cost of living and must also bear some relation to the actual wealth produced. There is nothing of greater interest to workers than wages which determine their standard of living. The ideal of improvement of wages and the standard of living of workers has been specifically declared by very high authorities.

In the preamble to the constitution of the International Labour Organisation, it is set forth that "the provision of an adequate living wage" and the "recognition of the principle of equal remuneration for work of equal value" are among the urgent requirements. In its constitution, recognition is given to "the solemn obligation to further programmes which will achieve the raising of standards of living; policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection". When signing the National Industrial Recovery Act, President Roosevelt declared "It represents a supreme effort to stabilize for all time the many factors which make for prosperity of the nation and the preservation of American standards. Its goal is the assurance

of a reasonable profit to industry and living wages for labour, with the elimination of the practical methods and practices which have not only harassed honest business but also contributed to the ills of labour". The Industrial Truce Resolution of the Industrial Conference of the Government of India in 1947 stated that "the system of remuneration to capital as well as labour must be so devised that, while in the interests of the consumers and the primary producers excessive profits should be prevented by suitable measures of taxation and otherwise, both will share the product of their common effort after making provision for payment of fair wages to labour, a fair return on capital employed in the industry and reasonable reserves for the maintenance and expansion of the undertaking". In the Constitution of India, this ideal is introduced as a directive principle of State Policy in Article 43 which runs thus: "The State shall endeavour to secure by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, and in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas". The first step of implementation of this ideal in this country is the enforcement of the Minimum Wages Act.

The minimum wage movement came into prominence in connection with the agitation for the suppression of sweated industries and ameliorating the conditions of workers therein. Regarding the sweated industries and payment of low wages, Sydney Webb has stated: "It is undoubtedly true that the necessity of raising wages would increase their costs of production in some industries so considerably that many trades might completely be wiped out of existence. But the very fact that such trades could not pay their way when compelled to make adequate return for the services rendered to them would prove them to be parasites, the destruction of which would be to the ultimate benefit of the community". 'Mankind', says Emerson, 'is as lazy as he dares to be', and so long as an employer can meet the pressure of the wholesale trader or of foreign competition by nibbling at wages or cribbing time, he is not likely to take the intolerable toil of thought that would be required to discover a genuine improvement in the productive process. Unable to reduce

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immediate costs by the time honoured method of wage reduction, he would be compelled to overhaul his methods and eliminate waste".

Though in the earlier stages, Boards were established for trades and industries in which workers were unorganized or only weakly organised and therefore lacked the necessary bargaining capacity, in recent times, the tendency has been to set up wage boards even for industries in which workers are organised.

The efficiency of a worker, it is undeniable, depends mainly on the level of his wages. High and low wages may be associated with high and low efficiency. The connection between the wage level and efficiency came to be known as the "economy of high wages". If a worker and his family live at a high standard of life, their health and their physique, mental condition, vigour and morale will be much higher than will be of a family which is poverty-stricken and undernourished. The wages should be such as to foster the growth of a greater sense of self-respect in the workers. It is stated that though wages in Ahmedabad textile industries are on an average much higher than in Bombay, in many cases as much as 25 per cent, the cost of production whether in spinning or weaving, is lower in Ahmedabad despite the higher wage rates, than in Bombay, thus proving that low wages do not necessarily mean economy in cost of production and that efficiency has been stepped up by increase in wages. (The Industrial Worker in India, by B. Shiva Rao, page 122.)

As a nation's standard of living improves with comforts and leisure, its people grow in efficiency of body and mind, desiring and producing more goods and rising in civilisation. The raising of the standard of living has been generally emphasised, and this means the raising of wages. Capable employers do not try to preserve profits by lowering wages if profits can be preserved in any other way. Being deprived of ordinary comforts leads men to work discontentedly and inefficiently.

The demand and supply theory of labour in its reaction on wages has a limitation. Wages cannot go below a certain level and the minimum wages of a bare subsistence has always been recognized. A workman, no matter how many idle men there are, cannot be paid less than the cost of food required to keep up the necessary strength. With no other source of food than his wages,

he could not continue to work for less if he wanted to do so. This lowest possible rate of wages must be high enough to support also a wife and some children, as otherwise population would decrease. The settled policy of the Miners' unions in England is to stop work rather than take less than the agreed minimum wage, and thus to force employers to restrict production if price falls too low to afford that rate of pay. That if one has to starve he may as well starve resting is sometimes asserted by a person who has no intention to starve at all. The best effect is that employers give up thought of saving from wages, and find their gain in use of better machinery, etc. (Getting a Living, by Bolen, page 330.)

Foreign experience shows that it is not possible to formulate a scientific or theoretical body of principles on which an absolutely accurate assessment of wage levels can be made. The Courts and Boards in Australia, Canada and England have established a relative and rough justice based on standards of reasonableness rather than an exact and absolute one. Regulation of wages is in the best analysis a problem of human relations.

In its modern form Minimum Wage Legislation originated in Australasia. Both the British and the American systems have followed to an extent the model established there. In Western Australia, the Boards have been required to see that the minima prescribed are sufficient to enable the average worker to live in reasonable comfort having regard to any domestic obligation to which the average worker would ordinarily be subject. The Tasmanian and Victorian Boards took as their standards for a considerable period the wages paid by the reputable employers. In the Commonwealth Court of Conciliation, Justice Higgins laid down in a judgment which has become famous as the Harvester judgment of 1907 that the basic rate for unskilled labour should be sufficient to meet the normal needs of the average employee regarded as a human being living in a civilised community. The Harvester Judgment was made up of food, groceries, fuel, rent and other expenditure amounting in all to 7 shillings per day or 42 shillings per week. Justice Higgins took as the basis of his standard of living estimates the requirements of a man, wife and three children. He explained that the living wage must provide not merely for absolute essentials such as food,

shelter and clothing but for a condition of frugal comfort estimated by current human standards.

In New Zealand it is enacted that the basic rate of wages for adult male workers shall be such a rate as would in the opinion of the Court be sufficient to enable a man in receipt thereof to maintain a wife and three children in a fair and reasonable standard of comfort.

Governmental interference with the wage relationship has been useful and appreciated. Industry did not succumb in consequence of Governmental regulation of wages. Numerous employers who originally opposed the new system declared after about a decade of experience that business was not injured because they all were put upon the same basis as far as minimum wage payments were concerned. The minima established by Courts and Trade Board action have not tended to become maxima to any extent. The system has not resulted in lessening the efficiency of workers. Many employers have said that workers responded spontaneously to the improved rate of remuneration by increasing their efficiency and frequently the inability of a small irresponsible firms to pay the minima and survive has concentrated production within the more efficient, better equipped plants, with resultant increase in the value of productivity of the workers. (Economics of Labour, by Millis and Montgomery, page 285.)

In Great Britain public opinion against the evils of the sweating system stimulated the movement for governmental interference for regulation of wages. Trade Boards are appointed to fix minimum wages.

There has been no clear statutory definition of the principles to be followed in determining the wages to be paid to ordinary workers. The enactments merely say "In fixing minimum rates a Committee shall as far as practicable secure for able-bodied men such wages as in the opinion of the Committee are adequate to promote efficiency and to enable a man in an ordinary case to maintain himself and his family in accordance with such standard of comfort as may be reasonable in relation to the nature of his occupation". There are two broad considerations which enter into the determination of wage rates. The basic consideration is the necessity of securing that every normal worker shall be paid a rate which will yield a wage which avoids the reproach of sweating, in other words, a wage on which at least maintenance is

possible. There are therefore minimum rates below which the wage ought not to be allowed to fall. The second consideration is that workers should be paid at rates more or less equivalent to the rates offered to workers in comparable occupations. But both these considerations operate within the general framework of the Board's estimate of the rate which the market conditions of the trade permit it to pay. But the precise weight to be attached to each of them is not susceptible of exact estimation. The decision has to be taken in the light of the best judgment of the Board. The only reasonable basis is that the nearer the Board can come to agreement the more likely the decision is to be right, and a sensible Board works towards the production of the largest measure of agreement both as to fact and as to inference. (H. L. O. Minimum Wage—An International Survey, page 131.)

The question of what the trade will bear, the relative strength of organisation on each side, the supply of, and demand for certain kinds of labour, the rates paid in allied trades, the rising cost of living, have all been factors influencing the wage determination.

Under the method of Trade Board procedure that has developed, the process of wage fixation has been largely that of bargaining with the appointed members acting as conciliators. By wage regulation the industrial efficiency of employers and employees has been stimulated. In the opinion of the Cave Commission one of the important consequences of the system of wage regulation has been the creation of an influence promoting industrial peace. Out of the meeting of men who realise that they represented interests that are antagonistic on some points and harmonious on others, out of the dickering and negotiation in which the personal factor is so important, there has come more appreciation of, and respect for, each other's viewpoint than could have been possible in the absence of this enforced negotiation.

In its general framework, the Canadian system of wage regulation has been patterned after those operative in Australia and England. The minima set up by the Boards have tended to coincide with existent minimum wage standards of the better paying firms. The view taken is that the function of the minimum wage administration is not to effect a general increase in wages, but rather to correct the unwholesome aberrations from the

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prevailing wage standards. The earnings of the lower paid workers have been levelled up substantially and sweating has been practically eliminated in the regulated industries. The minima have not become maxima but rather an increasing percentage of the women and girls have earned more than the minima as time has gone on.

In U.S.A. the laws of the States directed the Wage Boards, in setting the legal minima, to be guided by such considerations as would guide a court in a suit for reasonable value of services rendered where the services were rendered at the request of an employer without contract as to the amount of the wage to be paid, the wages paid in the State for work of a like or a comparable character by employers who voluntarily maintained minimum wage standards, and all other relevant circumstances. These directions accorded with the traditional method of Anglo-American law in applying the standard of reasonableness and made possible an exercise of the reasonable value principle to scale up the low wages paid by irresponsible firms to the average standard, and encouraged employees to evolve fair standards within the industry itself. In all of the "flexible laws", the primary factor, in general, which has to be taken into account in determining minimum wage rates is the minimum necessary to meet the cost of living and maintain health or to constitute a fair and reasonable return for the services rendered. Some also require that the rates shall be adequate for the protection of morals as well as health.

In those advanced countries where the national wealth and the standard of living are high there is not much difference between the living wage and the minimum wage. In Australia, the terms living wage, basic wage and minimum wage are almost synonymous.

The Fair Wages Committee have classified wages into three concepts, the living wage, the fair wage, and the minimum wage.

According to that Committee the living wage should enable the male earner to provide for himself and his family not merely the bare essentials of food, clothing, and shelter, but a measure of frugal comfort including education for the children, protection against ill-health, requirements of essential social needs and a measure of insurance against the more important misfortunes including old age. In India the level of the national income is so low at present that it is generally accepted

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that the country cannot afford to prescribe by law a minimum wage which would correspond to the concept of the living wage. That Committee next considered what should be the level of minimum wages which can be sustained by the present stage of the country's economy. They came to the conclusion that a minimum wage must provide not merely for the bare sustenance of life, but for the preservation of the efficiency of the worker and for that purpose the minimum wage must also provide for some measure of education, medical requirements and amenities. As regards the fair wage their conclusion was that while the lower limit of the fair wage must obviously be the minimum wage the upper limit is equally set by what may broadly be called the capacity of the industry to pay. Between these two limits the actual wages will depend on a consideration of the productivity of labour, the prevailing rates of wages, the level of the national income and its distribution, and the place of the industry in the economy of the country. The above analysis will help us in considering what should form the basis of the minimum wage and we may accept the basis as recommended by the Fair Wages Committee.

A question that arises in this connection is what is the extent of real wages of a worker necessary to adequately maintain socially desirable standards of living or to make possible the maintenance of livelihood consistent with decency and self-respect. What is the level of minimum social desirability? The standard of living is sometimes regarded as the quantum of goods and services which is considered necessary for decent existence. It is an essentially progressive thing conditioned by the social environment in which the individual lives. The standard of living has gone up even among labourers. What was considered as an adequate minimum standard years back is not so now. The cost of living of the labour population has gone up not merely on account of increase in cost of food, but also because the standard of living and requirements have gone up. Levels of living standards have been classified into four broad categories: (1) the poverty level, (2) the minimum of subsistence level, (3) the minimum health and decency (or subsistence plus) level, and (4) the comfort level.

1. *The Poverty Level.*—In the technical sense poverty indicates a distinct state of submergence the level at which family income even though expended with

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ordinary prudence is insufficient for physical upkeep. The earmarks of poverty are always apparent; undernourishment, overcrowding, deterioration of household equipment and clothing, liability to acute distress. Sickness or other emergencies increasing expenditure almost invariably throw families living at this level upon charitable relief.

2. *The Minimum of Subsistence Level.*—This is the standard that can be maintained when family income is sufficient for physical and material upkeep, but is insufficient for either major emergencies or any social pleasures costing money. In practice, families living at this level do enjoy a few social pleasures and summon a physician in the case of critical illness with the result that they are often found to be living under insanitary conditions, frequently they are undernourished and almost always they are overcrowded.

3. *The Minimum Health and Decency (or Subsistence plus) Level.*—Families living at this level have the income needed not only for physiological existence, but also for some elementary social necessities. Medical attention, car-fare, insurance, a modicum of recreation, clothing compatible with self-respect as well as to provide bodily protection, and elementary education for the children and some self-improvement requiring expenditure can be had without the necessity of taking it out of food. The level however is far from what contemporary thinking would regard as liberal.

4. *The Comfort Level.*—It represents the attainment of the highest class of wage earners. At the comfort level a family is able to live in a decent house or apartment modestly equipped and decorated. It has reasonably adequate funds available for such items as insurance, education, vacations, health maintenance and amusements. (Economics of Labour, by Millis and Montgomery, page 64.)

Probably what is called the minimum health and decency level (or subsistence plus level) would best be taken as the criterion of the minimum socially desirable standard of living. It has been stated in the Report of the Fair Wages Committee that the United Provinces Labour Enquiry Committee chose the subsistence plus level as the basis of what is called the minimum living wage. The Bombay Textile Labour Enquiry Committee, 1937, observed that no completely objective and absolute

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meaning can be attached to a term like the 'living wage standard' and it has necessarily to be judged in the light of the circumstances of the particular time and country.

Continuity of employment is a very important factor in determining wage rates. When periods of employment are intermittent, provision is frequently made that the wages shall be higher than the usual standard, to enable the employee to maintain himself during periods of involuntary idleness. Gold Mining in K.G.F. appears to be an occupation in which there is a very high degree of continuity of employment. This fact must also be kept in mind when fixing wages.

Classes of workers for whom Minimum Wages should be determined and Monthly-Rated Employees.

It is undoubted that the Minimum Wages Act applied to all daily-rated employees. The Labour Associations claim that this Committee should fix the salaries of all monthly-rated employees also who are not engaged by the Mining Companies on special agreement. It is contended on behalf of the employers that the classes of employees contemplated under the Act are the daily-rated wage earners, the working class and not those who are employed on monthly salaries or engaged in Supervisory categories. Employment above Assistant Foreman grade is monthly-rated and therefore governed by different terms of engagement. The salaries and emoluments of the supervisory and office staff categories have no direct relation to the minimum wage and other concessions that the daily-rated enjoy. It is stated that employees in class C in the schedule of wages become monthly-rated when they reach a wage of Rs. 3-13-0 per day and that employees in classes A and B may become monthly-rated at their option.

The term Wages as defined in the Act means remuneration payable to a person employed in respect of work done in his employment. The term Employee is defined to include one who does clerical work also. Under Section 3, Government is empowered to fix minimum rates of wages by the hour, by the day or by any larger wage period as may be prescribed. Thus there is nothing in the Act to prevent monthly-rated employees from coming under the scope of the Act and manual and clerical staff also would come under the Act. With regard to the classes of

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workers for whom the industries in regard to which wages should be determined, it is stated as follows in the Report of the Committee on Fair Wages at page 18:—

"In regard to the question whether statutory machinery should be provided for the determination of fair wages of all categories of employees or some in an industry there is an amount of difference of opinion. While some are in favour of the statutory determination of fair wages for all categories and occupations in an industrial centre, others would restrict it to employees below the supervisory level. The representatives of workers were in favour of determination of fair wages for all categories of employees. After discussion the Committee came to the conclusion that in the initial stages in view of administrative and other difficulties, provision need be made for the fixation of fair wages only for categories up to the supervisory level".

In the Minimum Wages Act there is no limit mentioned as regards the wages of employees who would come under the scope of the Act. In the Mysore Labour Housing Act (1949) however, in the definition of working class the maximum limit of the income of persons coming under the scope of the Act is mentioned as Rs. 125 per month. Before the K.G.F. Pay Commission, the Non-Covenanted Officials' Association stated that they did not want their case to be considered by the Commission. In the circumstances it appears to be reasonable to fix a limit as regards the pay of the employees, for whom the Committee should fix wages on the analogy in the Labour Housing Act. We consider that the top limit of basic salaries of employees whose cases may be considered for the fixation of minimum wages may be fixed at Rs. 115 per month as they will include all those in the schedule of wages and those in the lower grades of office and supervisory staff.

CHAPTER III.

Consideration of Incidental Points. 124

The Labour Associations have raised in their statements a number of demands which are not pertinent to the fixation of minimum wages. In fact, the statements filed by them are similar to the statements filed by them before the K.G.F. Pay Commission in 1948, and the same matters have again been raised. Of these matters, we consider that the following have no bearing on the enquiry before us :—

(*a*) Service pay ;
(*b*) Payment on cessation of employment ;
(*c*) Privilege leave ;
(*d*) Contract system ;
(*e*) Holidays with pay ;
(*f*) Changes in standing orders ;
(*g*) Share in profits ;
(*h*) Technical schools ;
(*i*) Production bonus ;
(*j*) Highest remuneration.

Of the other demands some have only a remote bearing on the enquiry and some are relevant. We shall proceed to examine these demands and state our conclusions before taking up the subject of fixation of minimum wages.

Rank Pay.

The Labour Associations in the schedules appended to their statements suggested various sums in addition to the daily wage in the case of higher ranks of labour as Rank Pay, *e.g.*, Annas 8 per day extra to a Maistry, Rs. 2 to a Head Maistry and Rs. 3-8-0 to a Foreman. It is not clear why a special allowance of this nature is claimed on account of a higher rank. These men will have been employed for these higher ranks mostly on account of their skill in work or experience or other qualifications. They may also be doing work entailing responsibilities greater than those of the workers in the lower grades. Even according to the schedule of wages (App. V) furnished by the employers these men with

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qualifications are given higher wages. These cases therefore come really under the principle of margin for skill, or partly for skill, partly for responsible work and partly for some other qualification. In prescribing margins for skill and other qualifications for the different grades of skilled workers in the industry, it is proper to give weight to existing margins for skill in the industry and to take as a guide the practices which have been established as the result of long years of experience. No one can understand the relative value of the grades of skilled workers better than those who are co-operating in the industry and the existing margins in most industries generally represent a fair index of the relative value of skill. It has been held by Wage Boards in many cases that usually the relative value of the different classes of workers and the extra wage that ought to be paid to each for extra skill may generally be safely left to the practice of the employer and the employed. In fact the classification of the workers into several categories as found in the schedule of wages is practically embodied in the statement of the Labour Associations though they have claimed extra amounts under several heads for the higher ranks of workers. Thus the rank pay which is claimed is really a margin allowed for skill or other qualifications and such a margin is recognised in the schedule of wages. Consequently, in our opinion rank pay need not be taken into consideration specially as an allowance.

Health Pay.

Under the head of health pay a special allowance of Rs. 10 per mensem is claimed by the Labour Associations in the case of welders numbering about 20 to 30 on the Field. It is stated that welding causes injury to the eyes of the welder and therefore he must be compensated by means of a special allowance. The employers contend that eye-screens are provided to welders and they should be used and if they are used properly no harmful effect can ensue. It is also stated that no instance of injury to the eyes of welders have come to the notice of the companies' hospital authorities and there is no case for any special allowance. The Champion Reef Mines' Labour Association has claimed an allowance of Rs. 10 per mensem, as compensation to the workmen in the Mill and the Cyanide plants on the ground that the ear-drums of the mill workmen are subject to strain on account

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of tremendous and continuous noise which makes them deaf and that the workmen of the Cyanide plants actually come in contact with acids and gases which are injurious to health. The employers contend that there is no case for any such special compensation. It may be observed that no such special allowance was claimed before the Pay Commission on behalf of the workers at the Mill and the Cyanide plants. In an Australian case it has been stated by Justice Higgins that the dangers to body and health are distinctively relevant to the question of hours because the longer the time a man is subjected to the conditions underground, the greater is the risk that he runs, just as the longer the time one is under fire the greater is the chance of a bullet, and that it was his practice not to increase wages because of risk to body or to health, but such risk can fairly be considered on a question of hours. In another Australian case in which extra pay was claimed on the ground of an added risk to eyesight and health which attended clerical work done under artificial light, it was held that the claim must fall on two grounds, *viz.*, the impracticability of enforcing it and the inherent unsoundness of any principle which recognised the right of the employer to risk unnecessarily the employees' health in exchange for compensation. If unhealthy conditions are remediable they should be remedied and the employers cannot be permitted to compound a breach of legal or moral duty by a money payment. In this case, we consider that as the employers have provided eye-screens which ought to be used by the welders, no special allowance is called for, as it is stated there have been no cases of injury to eyes arising from this cause which have come to the notice of the Hospital authorities. No special allowance is necessary in the case of the workers in the Mill and Cyanide plants.

Risk Pay.

The Labour Associations claim an extra wage of four annas per day for underground workmen. This claim is based on the risk alleged to be attendant on underground work. In the schedule of wages of the Companies an underground worker is paid four annas more per day than the corresponding surface worker, the lowest wage for an unskilled worker (underground) being Rs. 1-1-0 while that for a similar surface worker is Re. 0-13-0. There can be no doubt that the risk of

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accident in employment underground is greater than on the surface. It seems obvious that other things being equal employees will choose to enter occupations in which the risk of accident is slight, rather than one in which the risk is much greater. As the risk is fairly general in underground work it may be taken into consideration. It is in our opinion sufficiently compensated for by the extra four annas per shift usually allowed for underground work.

As regards the mental and physical strain in regard to underground work, we are of opinion that underground workers generally are required to do a good-day's work but that this work is not of such a nature as to involve the expenditure of an undue amount of physical energy. It may be safely assumed that the managements of Mines will not, as they value efficiency, give their employees more to do than they can efficiently deal with.

Heavy Work Pay.

In the schedule of wages appended to the Labour Associations' statement, a sum of Rupee one per day extra is claimed as heavy work pay in the case of hammermen in the Engineering workshop. No reason is given for this claim.

Extra pay is not usually given on account of comparative laboriousness of some kind of work.

Justice Higgins states if work is light, men are expected to do more of it in a given time. The strain is equalised in the course of the day. Although extra wages will not be prescribed for different kinds of laborious work, the weight of materials which employees have to handle in the ordinary course of their work will be limited, if it is necessary in their interest to do so.

It was stated by Mr. Skinner that all heavy hammering work is done by air-operated hammers and that hammermen very seldom are called upon to work with excessively heavy hammers. In our opinion there is no case for any special allowance for hammermen.

Dress Allowance.

The Labour Associations demand that surface workers should be given an annual dress allowance of Rs. 15 and underground workers Rs. 20. It is also demanded that

uniforms should be supplied to drivers in the Motor Transport. It is stated by the employers that a dress allowance of Rs. 6 per annum was introduced in 1941 as part of the Safety First Campaign to protect underground workers from minor injuries. The dress required is pants and shirt. It was increased to Rs. 10 in 1947 and it is considered adequate for two sets of pants and shirts in view of the reduced price of cloth. It is also stated that special dress is unnecessary for the safety of surface workers and therefore there is no necessity for a dress allowance. Motor Transport Drivers are being given two sets of uniforms every year free of cost by the Companies. The K. G. F. Pay Commission has stated "the reason for giving underground workers dress allowance is that the workers were required to provide themselves with such dress as will ensure their safety when working underground. If therefore the dress allowance is given for safety purposes, the same principle cannot be made applicable to surface workers. We are not aware of any industrial concern giving such dress allowance to surface workers." The Committee agrees with this view. They also consider that it is not necessary to increase the dress allowance. Messrs. Sundararaja Iyengar and Bhagyanathan however consider that the allowance may be increased to Rs. 12.

Scavenging Allowance.

The Labour Associations demand that scavengers should be given in addition to their pay a monthly allowance of Rs. 10 each. The employers contend that the scale of this request has no parallel in India and that the family income of scavengers may be considered as the highest of any class of labour. This allowance is demanded by the Associations as scavenging is a sort of work which a man with a developed conscience of his own human dignity is not likely to take up.

There are about 1,200 sweepers employed in the Mining area. In the Sanitary Board area male sweepers and scavengers get about Rs. 30 to Rs. 34 per month and females Rs. 27 to Rs. 30. In Bangarpet Municipality they get even less. Compared to the wages in the Sanitary Board and the Bangarpet Municipality, the sweepers and scavengers on the Mines get fairly high wages. Generally in a sweeper's family most of the members (men, women and boys, all) are earning. We are therefore

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of the opinion that no special allowance is called for in their case. Messrs. Sundararaja Iyengar and Bhagyanathan state that scavengers may be paid an allowance of Rs. 5 extra per month.

Night Shift Allowance.

The demand of the Labour Associations is that every employee should get an addition of two annas to his daily wages for night shift work. The employers contend that there is no precedent for such allowance on any mine in any part of the world as far as they are aware. The demand is made on the ground that it is unnatural for a man to work at night when he should be taking rest. To people not long accustomed to night work, the weariness it causes is much greater than that of day work reducing the workmen's product per hour. Night time is nature's rest time of quiet and peace.

There are three shifts and each man gets night shift for a week once in three weeks. About 2,060 men work on night shift on an average at a time out of 21,000 workmen, *i.e.*, about 6,200 men get night shift in the course of three weeks. Pumping, hoisting work, shaft sinking, blasting and development work are done at nights also. It is stated that in the peculiar nature of the mining industry, continuous work (including night) is unavoidable. We consider that night work is part of the job and no special allowance is called for.

Attendance Bonus.

The attendance bonus which is a sort of allowance paid to a worker who is regular in attendance appears to have been Rs. 4-8-0 per month, till 1946. Thereafter, Rs. 3 got merged in the wages and Rs. 1-8-0 per month is being given as attendance bonus. This is given to all the workers earning less than Rs. 3 per day and it is an incentive for regular attendance. There are also certain anomalies in its working. The general view of the members is that the attendance bonus of Rs. 1-8-0 per month is not enough to serve as an inducement or an incentive to regular attendance and does not serve its original purpose.

It is stated that the number of workers earning attendance bonus underground averages 70 per cent and on surface 88 per cent. It is the opinion of the Committee that this attendance bonus may be abolished and

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this may be taken into consideration while fixing the minimum wages.

Benefits and Amenities.

The employers have provided housing for about 76 per cent of their employees. A well-equipped Hospital and Maternity Homes are being maintained for medical relief to the workers and their families. Considerable attention is devoted to cleanliness and sanitation. The employers lay considerable emphasis on the welfare of the workers. Benefits such as leave pay, sick pay, provident fund, clothing allowance, etc., are provided. Subsidised rationed food articles are sold cheaper to the workmen. As regards the assessment of the value of the benefits in connection with wage fixation, the following observations of the Fair Wages Committee are pertinent—(Page 16 of the Report).

"Though several employers in other countries particularly in the United Kingdom have organised extensive schemes of welfare work such as provision for medical relief, canteens, dining halls, creeches, etc., we were not aware of any wage fixing machinery in the United Kingdom or elsewhere which has taken into account the money value of the benefits received by the workers. Before a wage fixing machinery decides to make any allowance for benefits statutory or otherwise granted to workers, it must examine the nature and extent of those benefits. Where benefit goes directly to reduce the expenses of a worker on items of expenditure which are taken into account for calculation of the fair wage, it must necessarily be taken into account in fixing the actual fair wage payable. Where, however, a benefit has no connection with the items of expenditure on which the fair wages is calculated, it cannot naturally be taken into account".

Consequently these benefits and incentives such as attendance bonus, production bonus, welfare work, canteens, etc., cannot be taken into account. House rent can be deducted under the Minimum Wages Act and cash value of food concessions will be considered under dearness allowance.

It is stated that it costs the companies about 8·28 annas per shift (*i.e.*, per workmen per day) on the average for special allowance and welfare services. This is an appreciable amount.

Sickness Insurance.

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It is claimed by the Labour Associations that an employee on being treated for any sickness, injury or indisposition in the Companies' hospital or any Government hospital shall be entitled to receive sickness pay for the period of such medical treatment irrespective of the fact that he is entitled to receive compensation for injury. It is also claimed that if an employee is unfitted owing to Silicosis or Tuberculosis he must be paid an amount equal to 180 days' wage for further treatment of the disease in addition to the compensation. This matter is not pertinent to Minimum Wage fixation. This really comes under the provisions of Employees' State Insurance Act, if that Act is applied to the Gold Mining Industry. The only point which is somewhat distantly connected with this is the amount that has to be allowed for medical treatment if any, for the worker and his family in computing minimum wages. The employers have provided a well-equipped hospital to which all their employees resort for medical treatment in the case of sickness. The companies are also maintaining Maternity Homes. As regards their families there is a Government General Hospital where treatment is free. It is doubtful if the average worker spends anything on private medical treatment.

Any compensation for shortening of life through mining must be made by way of special payment to persons affected and not by general increase in wages. In regard to miners' phthisis, payment for injury should be made by way of compensation when an injury actually occurs rather than in the wage which is paid to each employee.

Periodical Increment.

The demand of the Labour Associations is that every employee should get an annual increase in his pay at the rate of 10 per cent of his minimum grade pay. The employers contend that the rates of increment claimed are exorbitant and that the existing bi-annual increments on a graduated scale are equitable and adequate.

As observed by Radhakamal Mookerjee in his book "The Industrial Working Class" at page 67, a properly devised plan of promotion paying consideration to both efficiency and length of service has been found by

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experience in the advanced industrial countries of the World to promote the workers' efficiency and loyalty to the industrial establishments and systematic promotion based upon merit is needed to induce the workmen to take a long range view. Progressive improvement in wages will depend on improvement in the economic conditions of the country generally and of the industry concerned in particular." This is a matter for arrangement between the employer and the employees. This Committee does not fix anything but the minimum wage; and this does not preclude the possibility of the employer paying higher than the minimum rates of wage to individual employees for efficiency and merit.

The subject of periodical increments is not really within the scope of this Committee which has to fix only minimum rates of wages and not maximum rates of wages. Unless the maximum rates are also fixed, the periodical increments cannot be fixed. The employers are however agreeable to the continuance of the present biennial increments on a graduated scale though the minimum daily wage has been raised by three annas. They have agreed to raise the maximum also of the present scales by three annas so that the workers will not be prejudiced in regard to increments. A statement showing the incremental scale on the basis of the minimum wage fixed by the Committee is in Schedule I (b).

Provident Fund.

The Provident Fund scheme has taken the place of the old Service Gratuity Scheme and came into force on 1st January 1946. It is compulsory to all the workers in the Mines employed after that date. Almost all the employees on the Mines are now contributing to this scheme. Each employee is contributing 6¼ per cent of his monthly pay, *i.e.*, one anna in the rupee and the employers contribute an equal amount to the provident fund. The Labour Associations claim that the employee must be made to contribute 10 per cent of his pay to the Provident Fund and the employer should also contribute an equal amount. The employers contend that 6¼ per cent, *i.e.*, one anna in the rupee has been found to be a most common contribution rate adopted by many industries and Government Departments and that it is adequate. The scheme has been started only a few years back and in most of the industries of the State, the

contribution is only one anna in the rupee and in the present circumstances, this rate appears to be adequate, in the opinion of the Committee, and may be continued. The question of increasing the Provident Fund rate is not really within the scope of this Committee's work. The employees' contribution to the Provident Fund has of course to be taken into account in fixing the minimum wage, as this is an item of necessary expenditure.

Cash Value of Rations Supplied.

It is stated by the employers that the cash value of rations issued at special rates works to Rs. 2-9-9 per month per worker, and this concession is granted to all the workers. Food is purchased by the Companies from the Government Depots at controlled rates and sold cheaper to the workmen. All the workmen get the benefit of this. This concession is in addition to the dearness allowance and has to be taken into consideration in connection with the question of dearness allowance.

In the Central Pay Commission Report it is stated as follows at page 47 :—"In the Railways and in some of the provinces, we understand there is in vogue some kind of supply of commodities at rates cheaper than market prices. Such supply has no doubt the advantage of securing that the worker obtains the constituents of his standard of living instead of having to struggle for them with others, possibly finding himself unsuccessful in the end. So long as any concessions in the matter of supply in kind are allowed, the estimated monetary value of such concessions shall be deducted from the dearness allowance."

Women's Wages.

It is normal for men to marry and to have to support families and provision should accordingly be made for this when fixing the minimum wages. It is not normal for women to have to support dependants. The principle when fixing the minimum wage for a woman is that the wages should be sufficient to enable her, to live in a decent dwelling and to maintain herself in a stage of full physical efficiency with a reasonable margin for recreation and contingencies.

(The Human Needs of Labour by Seebhom Rowntree, Page 105.)

The Courts under the National Industrial Recovery Act (U.S.A.) set sub-minimum rates for such groups as female workers, learners, apprentices and office boys and girls. If wages are based on the value of services rendered there could be no justification for discriminating between the sexes in regard to remuneration. But wages are artificially based on the needs of an average worker who has a family to support. The principle "equal pay for equal work" must be distinguished from the principle "equal pay for sexes." The average woman has only herself to support and her needs are less than those of the bread-winner.

(Fixation of Wages in Australia by Anderson, Page 396.)

In Australia a female basic wage is fixed at 50 per cent to 54 per cent of the male basic wage. The Fair Wages Committee state as follows (page 23 of the Report).

"Where employment is on piece-rates or where the work done by men and women is demonstrably identical, no differentiation should be made between men and women workers, regarding the wages payable. Where, however, women are employed on work exclusively done by them or where they are admittedly less efficient than men, there is every justification for calculating minimum and fair wages on the basis of the requirements of a smaller standard family in the case of a woman than in the case of men."

Women are now given a minimum of 9 annas per day. They are not employed to do any strenuous work. They are mostly employed as sweepers in the Sanitary Department and some are employed to do fetch-and-carry work on the surface. We consider that the present wage is fair subject to such increase as may be given while fixing the minimum wages.

Apprentices and Boys.

There is no system of apprenticeship as such in the Mines. Sons of employees are however admitted for training in the Mines workshops. These trainees are called apprentices. They are graded and paid from 6 annas to 14 annas in the course of five years. The apprenticeship period counts for service.

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Persons between 15 to 17 years are treated as boys and are paid 8 annas to 12 annas. The system may continue subject to such increases as may be given when fixing minimum wages.

Motor Transport Drivers.

Motor Transport Drivers get a wage of Rs. 1-3-0 to Rs. 1-10-0 per day and they are included in the schedule of wages. It is claimed by the Labour Associations in the schedule to their statements that a motor transport driver should be paid Rs. 100 per month plus dearness allowance. No reasons are given for this high claim. We see no ground to take them out of the schedule of wages.

Working Hours.

The Labour Associations demand that the working hours of the mine worker should be reduced to 6 hours per shift. The employers state that the reduction in the working hours underground from 8 to 6 per shift would be detrimental to output and that the demand cannot be conceded as the Factories Act provide 8 hours for a shift. In regard to this demand the K.G.F. Pay Commission has stated as follows :—

"The number of working hours for surface worker was reduced from 9 to 8 hours in 1946-47 by the Management. Even in the Factories Act 8 hours is prescribed for a shift. We do not see any reason for reducing the hours of work from 8 to 6 hours for surface workers. With regard to underground workers it has been brought to our notice that though the shift is for 8 hours the actual period during which the worker is at his work-spot is only 5 to 6 hours because the remaining time is taken for taking him to the workspot and hoisting him up to the collar of the shaft. We do not think therefore that any reduction is necessary in this case."

It was explained that roll call commences for the first shift at 6 A.M. or 6-30 A.M. and the last man goes down at about 8 A.M. or 8-30 A.M. To avoid delay, they start hoisting at 1-30 P.M. The man who goes down first is first up. From the time a worker passes through the roll call at the shaft head the shift is supposed to commence for him, and it is at an end when he reaches the shaft head on hoisting. A shift works to 8 hours from bank to bank on the average. Ordinarily there is

no delay in hoisting. If there is delay by break-down of a hoist, etc., the men are paid for the delay. It is stated that unofficially about 20 minutes or half an hour per shift is allowed for drinks and tiffin.

The average hours of work for metalliferous mining in America is 43·9. In Australia the 8-hour day had become established by collective agreement and in some of the States 44 hours per week.

In England the average hours of work for mining is 46·3 hours per week.

In Canada for metal mining the standard hours per week is stated to be underground 48, surface and mill 48 to 56 hours per week, and in British Columbia 44 hours per week. The average hours of work for metal mining in Canada is 47·8 per week.

(Wage rates and hours of Labour in Canada issued by the Department of Labour, 1947).

"Since the middle of the 19th century, few ideas have played more prominent part in the economic, the orizing of wage earners, or have been adhered to with more tenacity and profound affection, than that reduction in the length of the working week will increase their real income and reduce the volume of unemployment. 'Whether you work by the piece or the day, decreasing the hours increases the pay'. The reasoning underlying this oft-repeated trade-union doggeral has varied from time to time. The particular brand of theorizing has changed largely according to the dictates of expediency, but through it all labour, even while elaborating and carrying much further its theory of shorter hours, has adhered to certain basic notions".

(Economic of Labour—Millis and Montgomery, Page 493).

There is however a limit to the demand for reduction of working hours as it is evident that there is some point at which further reduction of hours fails to increase or maintain daily or weekly output.

The absurdity that would arise from the popular argument for shortening the workday if pressed to extremes is well stated by Bolen in his book "Getting a Living" at page 425.

"The most popular argument for shortening the workday, one which is generally urged by labour leaders, is that shortening the day will employ the idle, will make

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the surplus labour scarce, and hence will enable unions to enforce demands for higher wages. It is said that in a trade of 150,000 men a change from 10 to 9 hours would make jobs for 15,000 more; that with an employer having 1,000 hours of work a change from 100 men at 10 hours to 125 at 8 hours would increase demand for labour 25 per cent. President Walker asked 'Why not work but one hour a day and increase labour demand 900 per cent?' The extra demand would be for more men, not for more labour. The employer would still have only the same 1,000 hours for which to hire. His product, whether produced by few or many, has a value he cannot change. By this value wages are held inflexibly, and it is fixed by what buyers think about it, and not by what the seller claims they ought to think."

From the economic point of view, the lowering down and hoisting of men must go on simultaneously, as one cage goes down with workers, the other must come up with workers. The hours of work are not less than 8 hours per day in all parts of India and this is what is prescribed in the Factories Act also. In the circumtances and conditions obtaining at present in the country there is no ground in our opinion for changing the hours of work per working day from 8 hours and any reduction will be extremely detrimental to the industry and uneconomical.

Mr. Sundararaja Iyengar however who has no objection to 8 hours work for surface men, suggested 7 hours work for underground workers.

Mr. Bhagyanathan agrees to 8 hours work for underground work also, but says that it must not exceed 8 hours when he comes out. He says that if a worker is at roll call at 6 A.M. he must be free at shaft head at 2 P.M., and if there is delay it should be treated as overtime. He also suggested that night shift underground should be 7 hours.

OVERTIME.

The Labour Associations demand that every hour worked overtime or on a holiday must be counted as two hours for the sake of overtime payment.

The employers contend that overtime is worked only whenever necessary and is paid for at $1\frac{1}{2}$ times the basic wage which rates Associations themselves accepted as reasonable in 1946 when the new wage schedule was

agreed upon and there is no valid reason why it should be increased.

The K.G.F. Pay Commission has stated "With regard to overtime the recent amendment of the Factories Act has provided for the payment of double the usual wage for overtime. Though the Factories Act is not applicable to the Kolar Gold Mines, we feel that it is desirable the Management may adopt that principle."

The employers' representatives state that in mining, it is necessary to call a certain number of key persons to do overtime work. Factories do overtime work because they want to execute special orders in quick time, there is profit to the concerns by doing overtime and they therefore do not mind paying double the normal rate of wages for overtime. But overtime in mining is on a different footing. Surface and underground work in the mining industry entails of necessity certain maintenance work on machinery and shaft which can only be done on holidays and shut down days and therefore the industry is obliged to employ a large number of employees overtime. As necessities call for overtime work in mines and not profit, the Wage Bill on overtime in mines should be at a lower rate. Overtime at present on the K.G.F. is 1½ times the basic wage excluding dearness allowance and it is urged that this arrangement should continue.

Overtime should be avoided whenever possible. The Central Pay Commission has observed (page 59 of the Report):—"Officers should be instructed to avoid detaining the staff in the office till late hours by reason of any individual vagaries. It must be made a rule that staff must be so detained, if at all, only under the written orders of the head of the office or some other responsible officer; the existence of such a rule will itself serve to prevent unnecessary detention of the Staff".

As regards the rate for overtime the Central Pay Commission has stated (at page 60):—"We do not think that the general claim for twice the normal rate for all kinds of work is justified. In some cases especially in the case of clerical work, a mere time-rate for the extra hours will probably suffice. In certain other cases, one and a half times the normal rate will be reasonable. Where the overtime work involves special strain or exceeds a certain limit or involves prolonged employment during the night, the compensation may go up to as much as twice the normal rate."

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Under the Factories Act as amended by Act XIX of 1947, the overtime rate is twice the ordinary rate of pay. In Canada and U.S.A. overtime is ordinarily time and one half. In Factories, the pressure of overhead cost, the depreciation of capital equipment, the danger that materials will spoil, the seasonal pressure to fill orders, encourage overtime work. In many cases, also, overtime work is desired by the workers, because it carries with it larger earnings. But in Mines overtime is done not for increasing production. Ordinarily it is done only in cases of emergencies such as break-downs, rockbursts, etc. In view of the peculiar nature of the mining industry and the necessities that arise for overtime work we consider that the wage bill on account of overtime should not be increased and that the present rate for overtime at time and one half may continue. It is implied from Section 14 (2) of the Minimum Wages Act which saves the operation of the overtime provisions of the Factories Act to cases where those provisions are applicable, that the Government can fix lower overtime rates for other cases not coming under the Factories Act.

The next question is whether the overtime rate is to be calculated on the basic wage only or the full wage including dearness allowance.

Under the Factories Act a worker is entitled for overtime to pay at the rate of twice his ordinary pay. "Pay" means wages or salary for work or services, and "Wage" means a compensation given to a hired person for services. (*Vide* Webster's Dictionary.) A worker for every day of his work gets not only his basic pay, but also dearness allowance as compensation for his services. Thus under the Factories Act, overtime, it would appear, has to be calculated on wages including dearness allowance.

Under the Minimum Wages Act, Section 5, the minimum rate of wages fixed or revised may consist of a basic rate of wages and a special allowance at a rate to be adjusted to accord as nearly as practicable, with the variations in the cost of living index number applicable to the workers. Under Section 3 (2), the Government is empowered to fix a minimum rate of wages for time work (a minimum time rate) and in regard to overtime, it may fix a minimum rate to apply in substitution for the minimum rate which would otherwise be applicable in respect of overtime work. Thus reading Sections 3 and 5 together, it may be interpreted that the overtime has to

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be calculated on the basic wage *plus* the dearness allowance. The method adopted at present in K. G. F. is to calculate the increased rate for overtime only on the basic wage and add to the amount so calculated the proportionate amount of dearness allowance at the normal rate. (*Vide* Rule 8 of Rules prefixed to the schedule of wages). This method of calculating overtime may be given effect to under Section 3. The Government in fixing overtime rate may provide under Section 3 that the overtime wage will be 1½ times the basic rate of wages and that the dearness allowance for the overtime period calculated at the ordinary rate will be added to this. It will be possible to work this only if the minimum wage is fixed into two components as basic wage and cost of living allowance. But it will not be possible to work this if the Government fixes the minimum wage under Section 5 (1) (iii) as an inclusive rate allowing for the basic wage, the cost of living allowance and the cash value in respect of supplies to the workers. A concrete example will explain this :— If the basic wage is Re. 1 per day, cost of living allowance Re. 1 and cash value of supplies (if given) is Re. 0-4-0 and these are fixed separately as a constituting minimum wage, under Section 5, it will be possible to calculate an overtime rate which is fixed as 1½ or 2 times the basic wage. But if the minimum wage is fixed as a consolidated amount of Rs. 2 or Rs. 2-4-0 inclusive of all the components, the basic wage is not separately ascertained and this method of fixing overtime will fail.

It is learnt that in the Bangalore Woollen, Cotton and Silk Mills Company, Ltd., overtime is calculated on the basic wage. Our proposals are to fix the basic wage, cost of living allowance, and cash value of food concessions as separate components of the wage under Section 5. Dearness allowance is granted for increased cost of living above the basic cost. Consequently there is no good reason why cost of living allowance should also be increased proportionately for overtime, as cost of living for that particular day remains the same whether overtime be done or not. We are therefore of opinion that overtime be calculated at 1½ times the basic wage and that dearness allowance in proportion to the overtime at the normal rate be added on to it.

Messrs. Sundararaja Iyengar and Bhagyanathan are for giving overtime at twice the basic wage and dearness allowance taken together.

Piece-work Rates.

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Piece-work rates are usually fixed at such an amount as will enable the average competent piece-worker to earn at least 10 per cent more than the minimum time-rate for the class of work to be performed. The time-rate is in the case of unskilled work, the basic wage and in the case of semi-skilled work, it is the basic wage *plus* the appropriate margin for skill or other qualifications. The earnings of piece-workers are higher in some cases much higher than those of time-workers engaged in similar work. Under the task system a certain task is set for the minimum wage. The task rates are fixed so as to enable the average worker to earn the minimum wage prescribed for the class of work to be performed. Any work done in excess of the task is paid for extra.

(Fixation of Wages in Australia by Anderson, Pages 462 and 468).

The basis of any good piece-work system should be so simple and workable as to be easily understood, provide a reward commensurate with the labour, skill, effort, risk and responsibilities involved and ensure a fair wage in relation to the general level of wages in the District. It should be as equitable as possible between the employer and the employee. To protect the worker against loss of wages by causes beyond his control a piece-work schedule should provide a minimum guaranteed wage or "Fall Back Pay."

(Indian Labour Problems by Agarwala, Page 64).

Under the Minimum Wages Act, there is power under Section 3 to fix a minimum rate of remuneration to employees on piece-work so as to secure them a minimum wage on a time work basis.

The piece-work system or the system of payment by results has been expressed to be of great benefit to the country and to the employees as it will increase production.

Mr. Best says that Hand-Jumper men do work on the piece-work system. There is a special schedule with regard to it. The number of such workers are about 672. The average earnings per month of Hand-Jumper men on the piece-work system is over Rs. 40 exclusive of dearness allowance. This appears to be satisfactory. Since the minimum wages are increased, that increase will have to be reflected in the minimum piece-work rate.

WORKLOAD.

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Under Section 4 of the Minimum Wages Act, the Government may fix minimum workloads. When we speak of a wage rate we usually refer to the amount paid to the worker per hour, per normal working day, and for performing a certain job. To measure work according to its duration may not be an accurate measure of the amount of work in the sense of the labour power or physical energy expended by the worker. Nevertheless, wage rate per hour or per piece can be taken approximately representing the price of working energy expended by the wage earner.

In regard to workload the Labour Associations state that this is not the opportune moment to impose any workload. In many departments, it is virtually impossible to fix any workloads and that any arbitrary imposition of workload may lead to harassment of workers by their bosses and consequent unrest.

In the statement of the employers it is stated as follows :—

"It is assumed that this means the minimum amount of work which is to be done in a given time for a fixed wage rate. The diversity and the nature of the operations which composes the mining and metallurgical industry are such that they preclude the fixing of standard workloads, although by practical experience, an approximate assessment of the time required to execute certain operations can be made.

The Fair Wages Committee observe as follows at page 12 of the Report :—

"The written evidence received by us emphasises the need for institution of proper time and motion studies if production standards are to be prescribed scientifically. It has also been stated that it is very difficult to fix standards of production except in cases where jobs are somewhat standardised or work is done under the piece-rate system. Two organisations of employees stated that they would be quite willing to have such standards fixed scientifically and would support allotment of fair load of work in return for fair wages. They, however, stated that for the immediate purpose of fixing a fair wage the application of standards is not a practical proposition. We are of opinion, that the wage fixing machinery should relate a fair wage to a fair load of work and that in case of

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doubt whether the existing workload is reasonable or not, proper time and motion studies should be instituted on a scientific basis."

Both Labour Associations and the employers are of opinion that it is not practical at present to fix workloads. We are therefore unable to recommend minimum workloads at present. We are of opinion, however, that proper time and motion studies should be instituted, on a scientific basis and done by experts who are trained in some system of time and motion studies so as to enable workloads to be fixed. It should be done in such a manner that will satisfy the workers, that things are being done on a systematic basis.

CHAPTER IV.

Fixation of Minimum Wages. 146

(i) *Method of Wage Fixation and Adjustments* :— Due to various causes, the value of money, the price and cost structure are all in flux and will remain so during the period of transition. If minimum wages are fixed in terms of current prices, the wage structure will assume rigidity at a time when a high degree of flexibility is necessary to meet quickly changing conditions. It is therefore desirable to fix basic wages in terms of pre-war prices and provide for sliding scales of dear food allowances.

Though the terms minimum wage and basic wage are loosely used as if they are synonymous, there is a distinction between them as found in the Minimum Wages Act. According to Section 5, a minimum wage consists of a basic wage, the cost of living allowance (dearness allowance) and cash value of concessions in respect of supplies. The minimum wage is the total wage that a worker gets at present inclusive of dearness allowance. The basic wage is the wage that is fixed in terms of pre-war prices and does not include the dearness allowance.

In regard to the fixation of the minimum wage, we propose to follow the course recommended by the Central Pay Commission and endorsed by the Fair Wages Committee. The Central Pay Commission have stated as follows (pages 12 and 13 of the Report) :—

"Present prices are the outcome of factors some of which are exceptional and temporary, while others may be expected to continue in operation for a length of time even during the post-war years. We propose to proceed on the assumption that prices, when they stabilise, will stabilise at a much higher level than the pre-war average ; on this basis, we shall make our recommendations as to basic rates of salary. Till prices come to stabilise at the assumed level, we propose to recommend the continuance of the payment of dearness allowance to certain classes of public servants at rates varying with the changes in the cost of living index. The advantage of this course is that marked fluctuations in the cost of living may be provided for. We accordingly think that it would be safe to recommend a scale of basic salaries fixed on the

assumption that prices may stabilise at a level which will give a cost of living index somewhere between 160 and 175 taking the pre-war index to be 100. So long as the cost of living continues to be substantially higher, some system of dearness allowance must continue in operation."

The Fair Wages Committee have concurred with this view. Following the course recommended above, we propose to fix the basic wage in respect of a cost of living index number of 160 and to give compensation by way of dearness allowance for the cost of living higher than that at index number 160. It has to be noted that under Section 5 of the Minimum Wages Act, minimum rate of wages may consist of a basic rate of wage and a special allowance at a rate to be adjusted at such intervals and in such a manner as the Government may direct to accord as nearly as practicable with the variations in the cost of living index number applicable to such workers (*i.e.*, cost of living allowance). Further, under Section 5, the cash value of the concessions in respect of supplies of essential commodities at concession rates, when so authorised will form a component of the minimum rate of wages. We therefore propose to fix the minimum rate of wages so as to consist of the three separate components, *viz.*, basic rate of wages, cost of living allowance, and cash value of food concessions. We are merely prescribing the minima. There need be no apprehension that these minima will stabilise as maximum wages. Nothing precludes the employers and employees from entering into contracts or arrangements which will provide for the employee a greater security of employment and a higher standard of living and higher wages than can be justly given by a Minimum Wage Board. As has been stated by Justice Higgins no worker is under legal compulsion to work for the minimum wage prescribed. "The liberty of the individual to accept or refuse work offered at the wages and on the conditions offered, remains; the minimum wage is restraint on the employer, not restraint on the employee. The so called law of demand and supply has not been abolished, but its scope has been limited by provision for a minimum wage. It is quite in harmony with the principle of freedom of contract subject to the minimum wage that an employer should seek by extra wages to attract men who as he thinks will give him extra speed and efficiency. It is all a matter of contract. The employer can refuse to give work, if it does not suit him

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to give it, and the employee can refuse to accept work if it does not suit him to take it." (Fixation of Wages in Australia by Anderson, Page 348.)

The employers propose to continue the present progressive increments in the wages. In some respects it has been liberalised and certain anomalies have been resolved as is evident from the new schedule of wages—Schedule— I (*b*) and I (*c*). Progressive improvement of wages is desirable ; but any progressive improvement will depend on improvement in the economic conditions of the country and of the industry concerned in particular and on the higher productivity of labour. As observed by the Fair Wages Committee, the wage fixed by a Wage Board should not be treated as unalterable and should conditions arise at a later day which warrant improvement in the wage, such an improvement should be deemed to be well within the scope of these recommendations. In fact, there is provision for revision of wages in the Minimum Wages Act.

(ii) *Size and Composition of Family.*—Minimum Wages should be determined primarily by human needs, and the first step to take in fixing minimum wages is therefore to ascertain the human needs of the workers. As society is constituted at present, the father of a family is responsible for the maintenance of both wife and children until the latter are able to earn for themselves. It is necessary therefore, at the outset to determine the number of dependants to be allowed for in assessing the financial responsibilities of a worker. In other words, it is necessary to determine what should be taken as the size and composition of a standard family or average family of a worker. It is stated in the statement of the Labour Associations that a worker's family consists of six members (apparently adults). According to the employers, three consumption units for every earner would be a proper average. Before the K.G.F. Pay Commission, it was stated on behalf of labour that an average family consisted of a husband, a wife and four children, *i.e.*, about four units. On this question, it is useful to know the practice in other countries. In the Australian States, there is some difference as to the size of the family the basic wage should provide for. In New South Wales the basis is man and wife, with a child endowment scheme for the provision of children. In Western Australia, the basis is taken to be man, wife and two

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children; in the other States the basis is taken to be man, wife and three dependant children. The Federal Courts' basis is man, wife and three children. (Fixation of Wages in Australia by Anderson, page 194). In New Zealand also the basis is man, wife and three children. In the United Kingdom and the United States the average family is taken as man, wife and three dependant children.

It has been generally accepted that a woman's requirements are less than that of a man, and the requirements of children vary with their age. The scale of relative requirements of man, wife and children as laid down by Cathcart and Murry which is adopted by the Committee of the British Medical Association is for an adult woman, ·83 of an adult male's need, and for children from one year to over fourteen years it varies from ·20 to 1·00 of an adult male's need. Rowntree who had made a detailed enquiry and survey into workers' families in England estimates the average requirement of a child as ·65 of an adult male. (The Human Needs of Labour by Rowntree, page 64).

Another method of working out standard consumption units of a family is to apply Lusk's Coefficients or Lusk's Table of Requirements. According to this scale, the requirement of a child (up to fifteen years) is 0·7, an adult male (fifteen years and upward) 1·00, and an adult female (fifteen years and upward) ·83.

In Australia, Atwater an authority on the subject has fixed the requirements of a woman at 0·8, a boy of ten 0·6, a child of seven 0·5, and a child under five 0·4 of an adult male's need. For the average family consisting of husband, wife and three children (aged respectively 10½, 7 and 3½) the consumption units will be 3·3.

Another method of measuring the needs of families is adopted in U.S.A. King and Sydenstricker of U.S.A. Public Health Service on the basis of a study of the actual consumption and expenditure of a large number of families have worked a comparative scale of requirements (denominated *ammain scale* a contraction of adult male maintenance). By expressing the needs of an adult male twenty-five years of age as one, and the needs of men and women of other ages as relative to this figure, a scale is derived. The *ammain scale* for a family consisting of a husband (forty years—0·93) wife (thirty-five years—·76) male child (thirteen years—·59), female child (seven years—·40)

male child (three years—·31) is 2·99. Thus the consumption units for an average family under the above scales range from three to four units. Connected with the size and composition of a standard family and the financial responsibilities of a wage earner to maintain his family, is another principle that if there are more than one wage earner in the family, this may be taken into account. It has been stated that in an Indian family there are more dependants and that it is not limited to a husband, wife and three dependant children. If there are more dependants, it is generally found that there are also more wage earners than one in the family. In this connection, the conclusion of the Fair Wages Committee is worthy of note (page 18 of the Report). "The Committee examined the figures in Appendix III which were collected in the course of certain family budget enquiries made in the past. These figures showed that though the number of persons per family frequently exceeded the figures warranted by three consumption units, the total number of earners in the family was well above one. It was considered that if provision had to be made for more than three consumption units, there was no reason why account should not also be taken of the actual number of wage earners in the family. The Committee decided that if the standard family was reckoned as one requiring three consumption units and providing one earner, the decision would be in accord with the results of the family budget enquiries".

About the end of 1942, an Assistant of the Labour Commissioner in Mysore conducted a survey of the family budgets of some workers in K.G.F. We have examined that Officer and we have the benefit of the results of that Survey. (Appendix VI series). He investigated the details of the family budgets of 333 families of workers. According to the survey, the average working class family consisted of 4·4 units made up of 1·5 males, 1·7 females, and 1·2 children (one unit being taken as equal to two children). The number of earning members per family worked out to 1·28. If 4·4 units in a family has 1·28 earners, the consumption units per wage earner will work out to 3·43. The members of this Committee went round the houses of the workers and examined some 40 families. The details and the results are noted in Appendix VII. According to it, the average composition of a family is adult males 1·25, females 1·52, and children under 15 years 2·42 and the wage earners 1·25. Applying Lusk's

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Coefficients the units will be, males 1·25, females 1·52 × ·83, *i.e.*, 1·26, children 2·42 × ·7, *i.e.*, 1·69 or in all 4·20 units. For 1·25 earners the consumption units are 4·18 and for one earner it will be 3·36. It may be said that when the members of the Committee went round, the workers knew what the Committee were about and there was some amount of inflation in the answers given. In Radhakamal Mookerjee's book "The Indian Working Class", it is stated that the consumption units for the average worker in Bombay is 3·4 consumption units and in the Bihar coal fields the average worker's family consists of 3·4 persons (pages 133 and 191).

The consumption units according to the survey of 1942 is slightly higher than the figure arrived at in the Committee's enquiry and they are also in the range of the figures calculated according to the several scales mentioned above and somewhat higher than the three units of the Fair Wages Committee. Our Committee therefore agreed that the figures derived from the Survey of 1942 which was done elaborately by a responsible authority, for the K.G.F. area, may be taken as fairly accurate and that the standard family of a worker in the K.G.F. with one earner may be reckoned as requiring 3·43 consumption units. But Mr. Sundararaja Iyengar took the view that the standard family consists of a man, wife and four children equivalent to 4·5 consumption units (one child being taken as one, and three other children ½ unit each.)

(iii) *Basic Wage.*—We have next to consider the details and the basic element of the needs of a worker's family, and these are usually classified under five main heads: –(1) Food, (2) Fuel and Light, (3) Clothing, (4) House rent, and (5) Miscellaneous consisting of household sundries and personal sundries. These are the five main classes of a worker's requirements which are specified in the working class cost of living index number sheet used by the Labour Department for preparing cost of living index statistics, and in respect of which the prices of articles and cost are worked out in the sheet. (Appendix VIII). A list of selected standard commodities together with the definite number of units of each is usually called a regimen or a standard of living. The Index Sheet (Appendix VIII) gives the regimen and mentions in detail the several commodities generally consumed by a worker's family, the relative importance of the commodity in the household consumption known

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as its weight, and the price of each commodity for unit quantity in 1936 which is adopted as the base year (a pre-war year) in Mysore for purposes of Labour Statistics.

In the family budget enquiry sheet at the survey of 1942 (Appendix VI), the details of expenditure of a worker's family (consisting of 4·4 units) have been worked giving the quantities of consumption of each article per month and the then price. By taking the quantities of consumption mentioned in the 1942 survey sheet as the standard for a family and applying the 1936 prices, the cost of the regimen or standard of living for 1936 has been worked on the cost of living index number sheet (Appendix VIII). It will be noted that in calculating the cost of the regimen for 1936, a quantity of 74½ seers of ragi and rice is allowed for a family of 4·4 units per month, though the ration is only 41¼ seers. The amount provided for alcoholic drinks has been cut out. The average house rent is calculated thus. It is stated that about 76 per cent are housed in Companies' huts and the rent therefor is Re. ½ each. The rest pay a rent of Re. 1 to Rs. 1-8-0 outside the colonies. According to this calculation, the average rent is Re. 0-10-9. According to Mr. Sundararaja Iyengar it amounts to Re. 0-12-9 and according to Messrs. Rathnasabhapathy and Bagyanathan Re. 0-12-2.

We thus get the cost of living for an average family (of 4·4 members) in 1936 the base year. It works out as follows :—

		Rs.	a.	p.	
1	Food ...	12	10	9	
2	Fuel and Lighting ...	1	9	4	
3	Clothing ...	1	15	10	
4	House rent ...	0	10	9	
5	Miscellaneous ...	2	9	2	(or Rs. 3-5-9 allowing for some extras).
	Total ...	19	7	10	(or Rs. 20-4-5 allowing for some extras).

Rs. 19-7-10 or Rs. 20-4-5 as stated above is the cost for a family of 4·4 units.

Reduced to 3·43 consumption units which we take as the needs of an average family, the cost is Rs. 15-3-7 (or Rs. 15-12-11 allowing for some extras).

These figures derived from the 1942 family budget survey were considered by all the members of the Committee other than the representatives of labour, as giving

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a fairly accurate position of the cost of living of an average worker's family in K.G.F. for the base year 1936, and it was agreed that Rs. 20-4-5 may be taken as the average monthly expenditure for a family of 4·4 units or Rs. 15-12-11 for a family of one earner who as stated above requires 3·43 consumption units.

Messrs. Sundararaja Iyengar, Bagyanathan and Rathnasabhapathy have suggested certain additions to the regimen as worked in the above cost of living index sheet. The details of the additions suggested by them are noted in the sheet [Appendix VIII (*a*)]. According to Mr. Sundararaja Iyengar's suggestions, the cost of living for the base year 1936 for 4·5 consumption units (which according to him are the needs of a family) works to Rs. 25-12-11 per mensem. According to the suggestions of Messrs. Rathnasabhapathy and Bagyanathan the cost of living for 1936 for 3·43 consumption units which they agreed may be taken as the needs of an average family is Rs. 17-15-9.

As already suggested the basic wage should be fixed in respect of a cost of living index number 160, treating the cost of living index number of 1936 as 100. For the base year the cost is estimated to be Rs. 15-12-11. Raised to index number 160, the cost of living will be Rs. 25-4-8 a month or Re. 0-15-7 per day for a month of 26 days, taking the base as accepted by the Committee as Rs. 20-4-5. The cost of living raised to index number 160 will be according to Mr. Sundararaja Iyengar's suggestion Rs. 41-4-8 or Rs. 1-9-5 per day, and according to the suggestions of Messrs. Rathnasabhapathy and Bagyanathan Rs. 27-12-5 or Rs. 1-1-1 per day.

Allowance has to be made for the workers' contribution to the Provident Fund at Re. 0-1-0 per rupee. Adding this to Re. 0-15-7 the figure arrived at above, the expenditure per day will work to Rs. 1-0-7. According to the statement of the Labour Associations, the monthly expenses of a worker having a family of six members is put at Rs. 118-14-0. These figures appear to be inflated not only as regards the number of consumption units, but also as regards the regimen and prices of commodities. If some of the items such as purchase of grains from the blackmarket and expenses of travelling and medicine, marriages and entertainments are reduced and proper prices applied to the other articles, the expenses according to the labour statement will amount to about Rs. 92.

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This is for a cost of living index of about 310 at present. For an index of 160, the expenditure on this basis will be about Rs. 48 and this is for six consumption units. For 3·4 consumption units, the expenditure will be about Rs. 27. This is in the region of the figure which this Committee has arrived at, if the inflations in the statements are excluded.

Sri Gnanaprakasam, President of the Champion Reef Mines Labour Association, represented before us, the case on behalf of labour (Appendix IX). According to him a family needs six consumption units, and the total expenditure per month is about Rs. 120. Later in his statement he further increased the estimate of expenses by another Rs. 30. He said the lowest wage of a surface worker should be Rs. 1-8-0 a day and dearness allowance of Rs. 35. He was agreeable to the attendance bonus being abolished and merged in the wage. His claim thus is pitched at a higher level than in the written statement of the Labour Associations.

It would appear from the above figures that Rupee one per day would be a fair and reasonable minimum basic wage for an unskilled surface worker on the mines, *i.e.*, an increase of three annas on the present basic wage of 13 annas. This means an increase of three annas per day on the present basic wage for all workers. By giving an increase of Re. 0-3-0 per day per worker the wage bill will go up by Rs. 15,32,748 per year. It has been the decisions of the Committee as stated already that the attendance bonus which is now being given may be stopped and there will be savings of Rs. 2,89,932 on this account. Deducting this, the net increase in the wage bill is likely to amount to Rs. 12,42,816 per year according to the figures furnished by the employers. (*Vide* Appendix V.)

Prevailing Rates of Wages.—Some of the factors which are taken into consideration in connection with the fixing of minimum wages are the prevailing rates of wages in the same or neighbouring localities and the capacity of the industry to pay.

In Australia and other advanced countries, wage fixing authorities decline to declare a living wage differing in any marked degree from current ruling rates on account of the inter-relation of wages in different occupations and in different parts of the country. The rate of wages is not an isolated thing, for every worker has other

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workers with whom to compare himself. Every change in the rate of wages, excites hopes or fears in the minds of workers outside its scope, whose own rates bear a customary relation to the rates changed. But conditions in this country are quite different from those elsewhere. The gulf between the estimated norm and the current wage rates in this country is even wider than in those countries where the standard of living is fairly high. It is the purpose of minimum wage legislation to bridge the gap by systematically laying down minimum wage standards.

Comparison with the prevailing rates in other industries and in the neighbouring localities will be of use if labour in those industries is organised well enough to make collective bargaining a success or if such wage rates have been settled on a proper basis and labour is contented. But in the present state of the low level of organisation of labour here, those wage rates could hardly be relied upon otherwise than as a guide. The Fair Wages Committee have considered this question and observe as follows (page 12 of the Report):—

"In countries where the bargaining power of labour is strong and the wages paid in at least some industries or sectors of industries are adequate, the method of comparison with the prevailing rates of wages is sound; but in countries like India where labour has until recently been weakly organised, such a process can only mean the comparing of one unsatisfactory rate of wages with another equally unsatisfactory rate. In our Committee, the representatives of employees were of the opinion that 'there is an inherent danger in fixing the fair wage in the light of the prevailing rates of wages because due to large-scale unemployment in India, wages are governed except where unions are strongly organised, on the principle of demand and supply, and therefore the prevailing rates of wages in the same or neighbouring localities may only serve as a negative test'. The Committee agree that while prevailing rates of wages fixed as a result of proper collective bargaining will bear a close approximation for the present to fair wages, and should therefore be taken into account in fixing fair wages, the same cannot be said of prevailing wages resulting from unequal bargaining. The wage fixing machinery should, therefore, make due allowance for any depression of wages caused by unequal bargaining."

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From Table II furnished in the statement of the employers, the lowest basic wage at present in K. G. F. is Rs. 21-6-0, while that at Bangalore and Mysore is Rs. 19-8-0. The dearness allowance at Bangalore is Rs. 2 higher than at K.G.F. We understand that the basic wage rates obtaining in Engineering industries in the State range from Re. 0-10-0 to Rs. 5 per day and in Mineral and Metal industries from Re. 0-10-0 to Rs. 4-10-0.

The wage rates in K.G.F. may be a little more than in other places; but the comparison serves no useful purpose. The wage rates in the other places have not been fixed on any settled or proper basis. Small concessions and increases have been given spasmodically or arbitrarily whenever agitation or strikes on the part of labour in the particular industry became strong. Minimum wages have not been fixed for any of these industries. Consequently, the prevailing rates of wages in other places cannot be taken as standard for comparison. Still considering the existing rates of wages in other industries and in agriculture and in other parts of the State we feel that our decision to fix the basic wage in the K.G.F. region and the Gold industry in particular at Re. 1 per day is reasonable and proper and that we will not be right in pitching the basic wage higher or so high as the representatives of labour suggest, as its reaction on other industries especially on agriculture may prove disastrous.

Capacity of the Industry to Pay.—As regards the capacity of the industry to pay increased wages, the general point of view of employers is set forth in the South African Mining and Engineering Journal (1949) page 117: "Gold bearing ore is a national asset only so long as the cost of producing the gold is less than the value of the gold produced, that is to say, so long as the ore is payable. The dividing line between payable and unpayable ore is determined by the working costs of the mine concerned. An increase in the working costs not only affects individual mines, but it raises the pay-limit and thus reduces the amount of payable ore in every mine throughout the industry. A general increase in pay limits has a twofold effect. Its immediate and direct effect is to eliminate a certain tonnage from the ore reserves. The deferred and indirect effect of a general increase in pay-limit, is, by reducing the percentage of

payability, to make exploration in certain mines unattractive. The indirect effect is the greater of the two. Any action which depresses gold deposits below the pay limit deprives the country of part of its national assets, reduce its capacity for employment and has the same effect as living on capital". The following extracts also from the South African Mining Journal (page 85) are interesting:

"Normally the Mine Manager would break low grade ore provided that the costs which would be incurred from the moment he started doing so till the gold in the ore has been recovered would not exceed the value of the gold which the sampling may lead him to expect from the ore. In other words, such ore would be just at the pay limit. It pays him to mine such ore because, although it contributes nothing to profits, it helps to reduce the overhead costs of working the mine. From the point of view of the country, the policy of working pay-limit ore is very valuable. While such ore yields no profit, the gold produced pays the wages of large numbers of workmen, and the cost of stores from which other workmen in industry and agriculture have drawn their living. It is therefore of the greatest importance to everybody that the pay-limit ore should be worked. It is equally important that the pay-limit should be as low as possible. Every reduction of the pay-limit, even by as little as a tenth of a penny-weight, increases materially the wealth-producing capacity of the country's gold endowment. Such marginal ore, once passed, may be difficult or impossible to work afterwards. Opportunity must be seized when it presents itself. Avoidable costs inflict on the country permanent injury which, though generally not regarded because not seen, yet creates a condition similar to that caused by the destruction of permanent assets. The pay-limit is the temperature chart of that policy. If it is too high the policy is wasteful of the country's resources. If it is normal, *i.e.*, if it is equal to the reasonable costs necessarily involved in extracting gold from the earth, the country is healthy. If it is excessively low, somebody is being exploited."

There is also the fact that the price of gold is definite and ascertained and there is little prospect of fluctuations in the price. Any addition to the working cost whether in the form of increased wages or otherwise would have to be borne by the industry and not by the consumer. In other industries the increased costs can be passed on to

the consumer, but in the Gold Mining industry there is no such possibility.

The other point of view is that reduced wages should not be resorted to so as to bring under the payable limit ore which is now considered to be unpayable.

The workers must first be paid a minimum wage and it has been said by authority that an industry which is unable to pay a minimum wage has no right to exist. No matter how depressed an industry may be, the employees in that industry must be paid at least a minimum wage. However, ordinarily, things are not driven to the extreme of the closing down of an industry, as the employees would prefer to choose the path of a settlement by collective bargaining rather than risk the closing down of the industry and consequent loss of their employment. One other point to be noted is that in determining the capacity of an industry to pay, it would be wrong to take the capacity of a particular unit or the capacity of all industries in the country. The relevant criterion should be the capacity of a particular industry in a specified region.

As found above, the increase in the wage bill for the industry by fixing the minimum basic wage will amount to about Rs. 12,42,816 according to the figures in Appendix V and it may not be beyond the capacity of the mines to bear this, under their turnover by realisation from sale of gold in the year 1948 as seen from their balance sheets is over £ 40,00,000, and their contribution to Government in taxes and royalty is over £ 13,00,000. It is no doubt true that the increased cost on wages may bear heavily on some of the Mines. It is stated that it may not be so serious in the case of Champion Reef Mine and the Mysore Mines; but the already weakened financial position of Oorgaum and Nundydroog Mines will be seriously affected by the additional cost. Both Mines are operating on a fast declining ore reserve both in tonnage and value which has already caused a serious contraction in the scale of operations in both Mines and a weakened financial position. This has been further complicated in the case of Oorgaum by the effects of the present disastrous fire in the Mine. The estimated increase in grade to cover the cost is ·21 dwt. per ton. It is said to be doubtful if these two Mines can produce the necessary grade of ore to meet the additional cost and to find the necessary finance to carry out work of capital nature which is absolutely essential for the future of the Mines.

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Another factor which is taken into consideration with fixation of wages is the productivity of labour. It has been stated in the statement of the employers that the productivity of labour and output has decreased while wages have steadily increased and that while labour cost per ton of ore has increased from 100 in 1939 (base) to 334·2 in 1948, *i.e.*, about 3½ times, there is a fall in the index of production from 100 to 64·8. It is disconcerting and a matter for concern that production should have gone down. But the question is how far the reduction in production is due to the inefficiency or go-slow methods said to have been adopted by labour. From Table I appended to the employer's statement, it is seen that the total labour employed in 1948 as compared to 1939 is 90·4 per cent. This may account for about 10 per cent in reduction of production. An analysis taking productive employees only (*i.e.*, underground employees) shows the average ton produced per employee was 45·3 tons in 1939 compared with 34 tons in 1948, a fall of 24·9 per cent. Then during the last 10 years, the mines have gone deeper and the natural and technical difficulties of working must have increased. Some percentage of reduction of production may be attributable to this. Although during the last 10 years the mines have gone deeper the increased difficulties of working have been offset to a large degree by the introduction of air-cooling plants, new methods, and modern machinery. As observed by the Fair Wages Committee (page 16 of the Report), productivity of labour is the net result of a number on factors on many of which the worker does not exercise any control. "It is also possible that the wages paid are themselves the cause of lower productivity. Higher earnings ordinarily lead to greater efficiency, though some Indian industrialists feel that higher earnings have led to greater absenteeism and consequently less production." Proper time and motion studies should be instituted if production standards are to be prescribed scientifically.

We would like to emphasise upon labour and the workers that the only method by which increased wages can be secured is by greater efficiency and that the workers should co-operate with the employers to step up production efficiency. The workers' attitude must be to show more production, more efficiency, more responsible work and then demand more wages. The employers have also a responsibility to stimulate the workers to do their best by improving their conditions of work and

environments, and by adopting the best possible methods and equipment. In this connection the observations of the arbitrators in a dispute between a Transvaal Gold Mining Company and their employees is very apt. "There is a considerable quantity of low grade ore in many mines. The lower the working costs become the greater will be the amount of ore which can be mined at a profit. At the present level of costs it is estimated that ore with a gold content of 4½ dwts. per ton can be profitably mined. With improvements in method and machinery a lower grade of ore is likely to become payable. It is therefore impossible to take any absolute limit of payability as representing the capacity of the industry to pay. We are of the opinion that reduction of wages should not be resorted to so as to render payable ore which is now conceded to be unpayable, so long as the cost of living conditions remain as they are at present". (Transvaal Chamber of Mines—Mining Industry Arbitration Board 1926-27—Page 542).

(iv) *Dearness Allowance and Living Index.*—The object of granting dearness allowance or cost of living allowance as it is termed in the Minimum Wages Act is to raise the basic wage so that it will have the same buying power under the increased cost of living as it had under normal circumstances. "Money wages have little significance. What is important to the wage worker is what his money will buy. What actual money wages in the pay envelope will buy in terms of food, clothing, rent and other goods is called real wages. In order to determine what real wages mean to the worker, money wages must be converted into real wages or buying power. This is done by an index number process fixing the prices of a selected list of goods that enter into the living standards of the worker in a base year of normal economic activity and comparing subsequent prices to this standard." (Industrial Organization and Management, by Bethel and Smith, page 582.)

On the side of the workers, the opinion seems to have prevailed that, although the system of linking wage rates to a basic wage adjusted automatically to changes in cost of living might have its disadvantages such as a tendency to limit the rise in wages in good times and to increase unemployment in depression; it is less dangerous than an open acceptance of the principle of the capacity of the industry to pay which might tend to work against them all the time. The view of the Fair Wages Committee in

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regard to the dearness allowance is worth noting (page 24 of the Report). "The method of compensating workers for increase in the cost of living by the grant of what is known as dearness or dear food allowance is peculiar to India. In foreign countries usually the practice is to adjust wages themselves in accordance with the changes in the cost of living. Until the cost of living comes down to the level of 160 or 175, it is clearly necessary for this country to continue to pay dearness allowance to neutralise wholly or at least substantially, the increase in the cost of living."

The Bombay Industrial Court, in their award dealing with the cotton textile mills, have laid down that employees in receipt of the lowest wages should be compensated to the extent of 90 per cent of the rise in the cost of living and that other employees should be paid at the same flat rate. In Madras, the extent of neutralisation of the rise in the cost of living varies from 60 per cent to 72 per cent and is given at a flat rate for all employees. The Central Pay Commission has adopted the principle that the lowest paid employee should be re-imbursed to the full extent of the rise in the cost of living and that higher categories of employees should receive a diminishing but graduated scale of dearness allowance. The Fair Wages Committee's conclusion is that for the lowest categories of employees, the target should be compensation to the extent of 100 per cent of the increase in the cost of living, and that a lower rate of compensation should apply to the higher categories but that the amount of compensation must be based on salary scales or slabs.

Except for basic or minimum subsistence wages, there has been some reason for not granting an increase in wages equal to the whole increase in the cost of living. As the prices of commodities increase, there is also a tendency to rearrange the family budgets. In this way economies are to some extent possible with probably little material effect upon the mental and physical comfort of the members of the household. There is also a theory propounded that the rise in the cost of living need not be wholly neutralised by the giving of allowances in as much as the whole population is suffering owing to the rise in prices and therefore the worker should also bear a proportion of the rise. The Labour Associations claim is that every employee should be paid dearness allowance on par with the employees of the Government of India.

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Before the K.G.F. Pay Commission they claimed only Rs. 30 as dearness allowance. Dearness allowance is now being paid at a flat rate of Rs. 22 per month to every employee. Besides this the cash value of subsidised food issued to workers at a cheap rate is assessed at Rs. 2-9-9 per month. The employers contend that the dearness allowance paid by them is higher than that paid by the Government of Mysore, and that the claim that it should be the same as the Government of India lacks justification, as these are not on a par with those paid by the Government of Mysore, and must have a regional aspect. The living index for K.G.F. as gathered from the *Mysore Labour Gazette* is 311·5 for the first half of 1949 and 313·5 for the first ten months of 1949. The dearness allowance granted by the Central Pay Commission to Government of India employees of the lowest grade on a salary of Rs. 50 and below is Rs. 25 so long as the cost of living index remained between 260 and 240. Granting that for an index of 300 the dearness allowance to the Central Government employees may go up to Rs. 35, the dearness allowance of Rs. 22 *plus* Rs. 2-9-9 the cash value of subsidised food supply, *i.e.*, Rs. 24-9-9, is very fair and reasonable for a local area like the K.G.F. The rate mentioned above for Government of India employees is based upon the cost of living in places like Calcutta, Delhi and Bombay and in our opinion it is unreasonable to apply it to a smaller local area like the Mysore State.

The average index figure for K.G.F. in 1949 has been ranging a little over 310. The basic wage as fixed above is Rs. 26 per month for index 160. The proportionate dearness allowance for index 300 will be Rs. 22-12-0, for index 310 Rs. 24-6-0 even allowing for full neutralisation of the cost of living. The compensation allowed for increased cost of living to industries in Bombay and Madras is about 60 per cent to 90 per cent. Consequently, from this point of view also, the present dearness allowance appears to be satisfactory. There is another method adopted in the Central Provinces as suggested in the report of Dr. Mahalanobis, the expert statistician of India (Report of Nagpur Textile Enquiry Committee, 1940). For every point of rise in the index figure one pie is to be given per day. This works to 2½ annas per month for every point of rise. If the rise in the index number is 100, the dearness allowance will amount to Rs. 15-10-0 and for a rise of 150, Rs. 23-7-0. Even on this basis the present rate is fair.

A flat rate of allowance without reference to the pay has a great advantage as it will be based on a certain principle. The workers for whom we are fixing minimum wages, the majority of whom come under the schedule of wages have almost the same standard of living and the disparity is not very great. The increase in the cost of living may be said to have affected them all almost equally and the allowance to meet this common necessity may be equal. It may also be pointed out that in the industries in Bombay and Madras, a flat rate has been adopted. In regard to the adjustment of the secondary wage or margins for skill to variations in the cost of living, the practice in Australia in which country the minimum wage system in its modern form originated and has been in force for over 50 years, merits consideration. The practice has been to vary the basic wage in proportion to variations in the cost of living, but to leave the margins for skill or other qualifications undisturbed. Mr. Justice Higgins has stated that when the Court has increased the basic wage because of the abnormal increase of prices it has not usually increased the secondary wage and that it has merely added the old secondary wage, the old margin to the new basic wage. Several Judges have expressed the view that the secondary wage need not be varied in accordance with variations in the cost of living, but that it should be fixed and adjusted on a value of services basis on the market value of skill, responsibility, etc., at the time an award is made or varied. (Fixation of Wages in Australia, by Anderson, pages 302 and 305.) The theory of proportional margins has been modified in practice. There is thus good authority for granting dearness allowance at a flat rate without granting proportionate increase in the case of higher scales of wages.

In our opinion, the dearness allowance of Rs. 22 plus Rs. 2-9-9 cash value of subsidised rationed food is fair and reasonable for the K.G.F. area and calls for no increase at present and it may be paid at a flat rate to all employees.

(v) *Cash Value of Food Concession.*—Under Section 5 of the Minimum Wages Act, the cash value of the concessions in respect of supplies of essential commodities at concession rates, where so authorised, is a component part of the minimum rates of wages. If such concessions in respect of food or essential commodities are granted, they should be taken into account in fixing

minimum wages or dearness allowance. The Central Pay Commission observe, "As long as any concessions in the matter of supply in kind are allowed, their estimated money value shall be deducted from the dearness allowance." They also state that any encouragement given at this juncture to co-operative organisations of employees for the purchase of their supplies is opportune.

It is stated that the Companies purchase rationed articles from Government depots at controlled rates and sell them at cheaper rates to the worker. The cash value of this concession to each worker is estimated to be Rs. 2-9-9 per month. The Committee is of opinion that this concession may be continued. The value of this concession has to be taken into consideration in fixing the dearness allowance. We have done so and stated above that the present dearness allowance of Rs. 22 together with the cash value of the concession of Rs. 2-9-9 is adequate and no increase in dearness allowance is needed at present. If the cash value of this concession should fall below Rs. 2-9-9, the difference should be added on to the dearness allowance of Rs. 22.

(vi) *Recommendations regarding Minimum Rates of Wages.*—Having regard to all the circumstances, the prevailing rates of wages and the capacity of the industry to pay, the Committee would make the following recommendations regarding minimum rates of wages :—

1. The minimum basic wage for an unskilled surface worker fixed in respect of a cost of living index number of 160 (treating that of 1936 the base year 100) should be Re. 1 per day or Rs. 26 per month of 26 working days. An increase of three annas to the daily rate of wages will be given to workers of all the other categories. An increase of Rs. 5 per month will be given to the monthly-rated employees.

2. The cost of living allowance (dearness allowance) may be fixed for the present at Rs. 22 per month. It may be paid at the rate of Rs. 22 per month to all employees.

3. The supply of essential commodities at concession rates to the workers may be continued, the cash value of such concession at present being Rs. 2-9-9. If the cash value of this concession decreases, the difference should be added on to the dearness allowance.

The representatives of the employees are not agreeable to the rates recommended above.

CHAPTER V.

WAGE DIFFERENTIALS. 164

Having arrived at the basic wage which is the wage to be paid to the unskilled worker, we have to fix the wage for different categories of workers step by step to the semi-skilled and to the skilled. The secondary wage is that portion of a worker's wage which remunerates him for such skill or other qualifications as are necessary for his occupation, and lift him above the level of the unskilled workers. But mere knack in doing work is not specially remunerated. It is also called margin for skill or wage differential.

A skilled labourer is a worker who receives a small margin for skill because the work he is engaged on calls for qualifications not required for the class of work usually done by unskilled labourers. A small amount of skill, a little responsibility and a good physical development, these are the qualifications which place the possessors of them in a grade above the basic wage. "The general opinion appears to be that in fixing wage differentials, the skill required, the training and risk involved, the responsibilities borne, the physical and mental strain undergone, the efficiency of performance and the experience gained should be taken into consideration. The representatives of labour think that there should be as few differentials as possible and that the difference between the lowest and the highest paid worker should not be abnormally large. The following factors should be taken into account in fixing the wage differentials: the degree of skill, the strain of work, the experience involved, the training required, the responsibility undertaken, the mental and physical requirements, the disagreeableness of the task, the hazard attendant on the work and the fatigue involved." (Fair wages Committee's Report, page 20.)

The living or basic wage is sacrosanct—beyond the reach of bargaining, but not so the secondary wage or margin for skill.

The following are the observations of the Central Pay Commission in this matter in respect of industrial workers of Government (pages 124 and 125 of the Report) :—

"Taking unskilled labour as the datum line for the minimum wage it will be convenient to classify the higher grades into semi-skilled, skilled and highly skilled. It

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has been suggested that persons of whom only physical or manual labour not requiring any intelligence, training or experience is expected may be classified as unskilled labour. The semi-skilled was generally recognised to be a person who had risen from the ranks of unskilled labour after he had improved by experience. The differentiations between the skilled and the highly skilled is again a matter of degree depending to a certain extent also upon experience and purposeful training. The extent to which a man can be trusted to work by himself or required direction or guidance is also a material ingredient. Some have suggested that semi-skilled workers must have a remuneration 20 to 50 per cent above that of unskilled workers, and that skilled workers should be paid twice or thrice the remuneration of the unskilled workers. We are not persuaded that it will be possible or desirable to adopt any such fixed proportion. At the other extreme, the suggestion has been made that wages should be fixed by a process of scientific job analysis. This is more easily said than done. Where skill is to be acquired by education, or apprenticeship, the time and money spent for the purpose may of course be taken into account when fixing the remuneration. The question of remuneration must in the last resort be largely determined upon the market value of the particular class of labour as determined by trade standards. There is a large volume of opinion in support of a system of paying efficiency bonus according to the outturn of each worker in addition to the standard wage of his category. As is well-known trade unions are not in favour of such differentiation, but there is much to justify it." The pay fixed for unskilled and unlearned employees, *i.e.*, class 4, by the Central Pay Commission is Rs. 30—½—35.

The rating of jobs is a matter involving the application of certain principles as is done in U.S.A. To succeed, job evaluation cannot operate in secret behind close doors. The plan adopted must be given wide publicity. Top management, supervision and employees' representatives must thoroughly understand the plan and must be convinced that it is sound and that it will be fairly administered. (Job Evaluation, by Smith and Murphy, page 28).

The Labour Associations have claimed in the schedule attached to their statement, wages ranging from Re. 1 to

Rs. 3-8-0 per day extra for skilled workers and from Re. 0-4-0 to Rs. 1-8-0 extra for semi-skilled workers.

All industries should effect a standardisation of categories and jobs to avoid disparity or remuneration of similar class of work. This would be necessary to remove irritation and sense of injustice among the workers. So far as the Kolar Gold Mining Industry is concerned, it is not necessary to work out a standardization of wages or prepare a wage structure for the different occupations. They have standardised occupations and wages and prepared a wage structure. Schedule I is the schedule of wages now in use for all the Mines and pages 1 to 13 thereof show the several categories of jobs classified and graded. Schedule I (*a*) is the schedule of wages for the K.G.F. Electricity Department. (Schedule I is the schedule of wages for Oorgaum Mines; exactly similar schedules are in force in the other Mines also.) The schedule of wages now in use may be adopted, as the Labour Associations have taken no objection to it in respect of the several categories of jobs. In the matter of margins for skill it has been stated by authority that it is safe to be guided by actual practices and customs which prevail in the different industries and by agreements made between the employers and the employees. The safest line to follow is to keep close to the distinctions in grade between the employees as expressed in wages by the employers for many years, in bad times as well as in good, and as accepted by the employers.

We are therefore of opinion that the distinctions in grade and the wage differentials between different categories as found in the schedule of wages now in use [Schedules I & I (*a*)] may be accepted and maintained. Whatever increase is given to the unskilled worker in his basic wages and dearness allowance, the same increase will be given to the workers in the higher categories also.

CHAPTER VI.

SUMMARY OF RECOMMENDATIONS AND CONCLUSION.

Summary of Recommendations.

1. The top limit of basic salaries of employees whose cases may be considered for the fixation of minimum wages may be fixed at Rs. 115 per month as they will include all those in the schedule of wages and those in the lower grades of office and supervisory staff.

2. The risk in underground work is sufficiently compensated for by the extra four annas per shift usually allowed for underground work.

3. The attendance bonus of Rs. 1-8-0 per month may be abolished.

4. The employers have agreed to the continuance of the biennial scales of increments and also to increase the maxima and the minima of the present grades by three annas, as shown in Schedules I (*b*) and I (*c*).

5. The contribution of one anna in the rupee or 6¼ per cent to the Provident Fund is reasonable and may be continued.

6. The hours of work per working day may continue to be eight hours.

7. Overtime may be calculated at 1½ times the basic wage and the proportionate dearness allowance to the actual overtime worked at the normal rate be added on to it.

8. As both the Labour Associations and the employers are of opinion that it is not practical at present to fix workloads, the Committee is unable to recommend minimum workloads at present. But proper time and motion studies should be instituted on a scientific basis so as to enable workloads to be fixed.

9. The basic wage for an unskilled surface worker fixed in respect of a cost of living index number of 160 (treating that of 1936 the base year as 100) should be Re. 1 per day or Rs. 26 per month of 26 working days. An increase of three annas to the daily rates of wages will be given to workers of all the other categories on the Mines and the K.G.F. Electricity Department according to Schedules I (*b*) and I (*c*). An increase of Rs 5 per month will be given to monthly-rated employees.

10. The cost of living allowance (dearness allowance) may be fixed for the present at Rs. 22 per month. It may be paid at the rate of Rs. 22 per month to all employees.

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11. The supply of essential commodities at concession rates to the workers may be continued, the cash value of such concession at present being Rs. 2-9-9. If the cash value of this concession decreases, the difference should be added on to the dearness allowance.

12. The distinctions in grade and wage differentials between different categories as found in the schedule of wages [Schedules I and I (*a*)] of the Mining Companies may be accepted and maintained.

13. Minimum rate of wage for piece-work is fixed as in Schedule III.

14. Minimum rate of wages for monthly-rated employees is as in Schedule II.

In our deliberations we have taken into consideration only the circumstances and the conditions of work and standard of living in the Kolar Gold Field area. Having regard to the cost of living in the K.G.F. which is higher than in other parts and the hazards and peculiar conditions attached to work in the Gold Mining industry, we have made our recommendations in regard to minimum wages for workers in this area. We have to emphasise that the minimum wages recommended are entirely regional and apply only to this industry and should not be taken as standards applicable to other regions or other industries. The Committee hopes that the reaction of minimum wage fixation on those whose interests are most directly concerned, will be as stated in the "Minimum Wage" of the I. L. O. (page 46). "Employees in general evidently value compulsory arbitration as a method of securing uniformity in conditions of competition as a means of adjusting wages and working conditions with a minimum of the loss and friction caused by industrial disputes; while the workers see in it a necessary safeguard for groups whose bargaining power is slight and a possible means of maintaining the general average of wage rates at a somewhat higher level than might otherwise be obtained. By the community as a whole it is valued for its services to the cause of industrial peace."

The K.G.F. Pay Commission made a suggestion for giving grants of agricultural lands to such of the workers as would like to settle on lands. They state "The Government will have to look forward to a time when this large population should be made to settle itself on the Kolar Gold Fields. In order that the workers on the Mines may be available for any future industries which the

Government may have to set up in case any one Mine or all the Mines have to be closed down on being exhausted, it would be advisable to grant lands on the Kolar Gold Fields or nearby to such of those as would like to settle down here permanently and many of them would do so since several families have settled down here for more than three or four generations—and colonies or villages may be formed and the employees may be permitted to build their own houses and settle down there. There are, living with the employees on the Mines, women and other adults who can do some work for their own benefit during hours which they are now idling away. For this purpose cottage industries may be introduced in the houses of such villages or colonies to benefit not only the employees but also their dependents. This will also in some way add to the income of the employee and his dependents and will lead to the economic happiness and prosperity of the employees."

We would also commend this suggestion for the consideration of Government. This will give the workers a subsidiary occupation and will also relieve the housing problem to some extent. In the Constitution of India, the promotion of cottage industries for workers is commended as a directive principle of State Policy.

In conclusion, we express our thanks to the Labour Associations and the employers for furnishing us with all information and assisting us in understanding their viewpoints. Our thanks are also due to the Secretary and the staff for their efficient co-operation.

(Sd.) C. SUBRAHMANYA AIYAR,
,, V. VENKATAPPA,
,, PETER BEST,
,, T. WILLIAMS,
,, H. J. SKINNER,
,, *J. M. IMAM,
,, †A. RATHNASABHAPATHY,
,, †S. O. BAGYANATHAN,
,, ‡L. SUNDARARAJA IYENGAR.

* Mr. J. M. Imam who has approved of the report has written a letter that he may be deemed to have signed the report.

† Subject to a note of dissent.

‡ Subject to a note of dissent.

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Dissenting Note by Sri L. Sundararaja Iyengar.

I very much regret indeed, I am unable to agree with the majority opinion in regard to the fixation of the minimum wage for the worker in K. G. F. and also the various observations made in the Report. As I differ fundamentally in regard to the family unit on which depends the cost of a family expenditure, I cannot agree for fixing the minimum wage of Re. 1 for unskilled surface worker and Rs. 1-4-0 for an underground worker. We are asked by the Government to recommend the minimum wage for the present workers. But it is evident from the decision of the Committee that it does not in any way help them as the minimum wage fixed now may help the future entrants. But that is not our concern. I am glad the employers have agreed that the present is insufficient. The Committee has relied for the decision on the survey conducted by the Labour Commissioner's Office in 1942. I am not disputing the correctness of the figures and I do congratulate the Department for bringing out such a useful statistics. I only differ so far as the number of earners in the family cited in the Report is concerned. For argument sake, I am prepared to agree with the Report that the average family unit is 4·4. It is very near to my contention of 4·5 as the average family unit. I cannot agree that for this family unit the earning members is 1·28. In the first place, there is no permanency even for the main bread-earner for whom we are fixing the minimum wage. It may be that some one a relative of his and a casual worker might have been present at the time an economic survey was made or that one of his children might have been temporarily engaged on a small pittance. It is surely wrong to take these two categories of workers as earners for the purposes of calculation. The very idea of a worker compelling his son a boy to assist him in maintaining the family is nauseating. In a civilized state the son is expected to complete his education at least up to a S.S.L.C. standard. If only this boy had been given educational facilities not only the father would have to lose that much of income through his son, but also had to incur additional expenditure on the boy's education. I therefore have no hesitation in not agreeing to this figure of 1·25 earning members in a family of 4·4. If this view had been

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accepted by the Committee then there would not have been much difficulty in fixing the actual basic wage for the worker. I give below statistics of families collected by the Rationing Authorities in my own Taluk, Kuppam (Bordering K.G.F. area).

Eight thousand, three hundred and ninety-nine families—31,282 adults—11,929 children—total 74,993 units for the purpose of drawing rations which is two units per adult, the average unit per family is 8·87, *i.e.*, 4·44 family unit or 4·5.

N.B.—This excludes children under 2 years who have since been allowed rations as per the Madras Government.

As already observed by me by conception of an average family unit is husband, wife and four children (one of whom is above 12 years who is considered as an adult for the purposes of drawing rations and the other 3 children equal to 1½ adults. Total coming to 4·5.) I do not agree with the Western Theory that women eats less than man, on the other hand, our Indian Theory is woman eats twice that man eats. The statistics show that the average family in the western countries is between 3 and 4 and only one earner. The conditions in India are different. Next to China, India is the highly populated. While the death rate due to mal-nutrition is the highest in India, the birth rate is equally the highest and so the average of a family unit in India can never be fixed below 4·5. I therefore cannot agree to the Committee's view that the unit should be taken as 3·44 for fixing the family budget and the minimum wage.

It can be seen from these figures that the average family unit comes to about 4·5. I know there is only one in the family as a bread-winner. I therefore under no circumstances can agree to a family unit of less than 4·5 for one earner. Coming to the family budget the statistics of the Labour Commissioner's Office may be correct so far as their enquiry is concerned; but there is always this fact to be remembered that the commodities in the open market are not available at the same rates as fixed by the Government. That has been our practical experience, so that something more has to be added on different items of expenditure detailed in the cost of family budget. Secondly, dearness allowance is being paid due to abnormal increase in cost of foodstuffs and other necessities of life. It is therefore reasonable and

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just that if the basic wage is fixed at a certain figure the dearness allowance should be so fixed as to be in tune with the proportionate increase in the number of points of cost of living index. I have therefore to disagree with the majority opinion for fixing the present rate of Rs. 22 as dearness allowance. In order to arrive at a fair and just conclusion regarding the fixation of minimum wage, it is necessary to understand the origin, growth and the present system of working of the Gold Mining Industry in K.G.F. In this connection I have no hesitation in agreeing with the opinion expressed by the Labour Association to the effect that "though the permanent employees are paid low, the covenented employees both Indian and Foreign are paid huge salaries that high officials of the Government of India may envy. It is this class of employees which swallow a good share of income of the Mining Companies, so that low paid employees are always left in want and misery". It should therefore be our duty to see that this wide disparity in wages paid to these two classes of workers is brought down in such a way that the minimum wage of the daily worker is considerably raised. I cannot agree for the moment with the contention of the Management that while the wages of the workers are increased the production is going down. As a Labour Representative knowing the conditions of labour unrest in K.G.F. for the last 10 years, I should throw the entire blame on the Management for the state of affairs. I do agree there is less production. But what is the reason I ask? It is not because the worker does not want to work. He is there to work and earn his wages. His only complaint is that the wages paid is not enough even to keep his body physically fit to dash the rock of gold underground. It is the common joke of the employers to dub the worker as inefficient, lazy and irresponsible and yet it is strange that the employer is still able to show a surplus. It only reveals the mentality of the capitalist. I can do no better than quote the opinion of Mahatma Gandhi. In regard to his opinion about the efficiency of the worker he says "It is my universal experience that as a rule labour discharges its obligations more effectively and more conscientiously than the Master who has corresponding obligations towards the labourers". Equally so I do not agree with the employers' contention that because there is not much income in Gold Mining Industry now they are unable to pay a decent minimum wage. In this

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connection, I have only to quote Pandit Jawaharlal, our beloved Prime Minister of India in one of his writings has said "Altogether these two years (1928-1929) are full of industrial unrest, and the condition of labour were deteriorating. The present two years had been boom years for industry in India and the most stupendous profits had been made. For 5 or 6 years the average dividend in the Jute or Cotton Mills exceeded 100 per cent and so often 150 per cent per annum. All these huge profits went to the owners and shareholders and the workers continued as before. The slight raise in wages was usually counter-balanced by raise in prices. During these days when millions were made feverishly most of the workers continued to live in the most miserable howels and that their women folk had hardly clothes to wear. The conditions in Bombay were bad enough, but perhaps even worse was the lot of jute workers; within an hour's drive of the place of Calcutta semi-naked women, wild and uncouthed working away for the barest pittance so that a broad river of wealth should flow ceaselessly to Glasgow, and Dundy as well as to some parts in India.

In the boom years all went well for industry, though the workers carried on as before and profited little. But when the boom passed and it would not so easy to make large profits. The burden of course fell on the workers. The old profits were forgotten; they had been consumed and if profits were not now sufficient, how could the industry run". Let me take this opportunity to urge the members to understand the significance of Pandit Jawaharlal's utterance again "Poverty anywhere is dangerous to prosperity everywhere". He has in his message to the recent Asian Labour Conference held in Ceylon said "The problem of political freedom having been largely solved, we have now to face the more difficult and intricate problems of economic advance. We face in Asia industrially, and economically backward, but with a new social consciousness and with labour wide awake, insistant and sometimes turbulent we may criticise the spirit of turbulence and regret it. But let us remember that for generations past this labour has seldom a square-deal and if they are insistant in their demands are we to condemn them?"

I do not under-estimate the difficulties and responsibilities of this Committee. I do claim to be

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representing the labour interest in this Committee, and whatever I say is what I conscientiously feel in the interest of only not only, the labourer, but also in the interest of both the Management and the Government. As a Socialist, my views on labour are definite and if I may be permitted to say that a worker must be made an equal co-partner in the industry. I wish to quote what Mahatma Gandhi has said in this regard :—" The greatest political contribution therefore the labourers can make is to improve their condition, to become better informed to insist on their rights and even to demand proper use by the employers of the manufactures in which they have had such an important hand, the proper evolution therefore would be for the labourers to rise themselves to the status of *part-proprietor*". As President of the K.G.F. Central Committee Labour Association my stand towards the Management is quite different. I am not at all happy over the way in which the labourer is being treated by the Management at present, but that is not within the scope to review here. I am here only as a member of this Committee and I am proud to call myself a representative of the employees as defined by the Government but still I consider myself as an impartial and judicial member and what all I am saying is with that capacity of outlook alone and I am saying all these with full sense of responsibility and it is therefore not with pleasure that I have had to disagree with the majority opinion. I have got the great respect for the views of the other members of this Committee, and particularly to the Chairman who has I am glad to say conducted the Proceedings of this Committee judiciously throughout. It is all the more regretable that I am not able to reconcile myself to the views of our illustrious and fair-minded Chairman. I am glad the Chairman and the members have given me freedom to express my dissenting note although I know the Act itself gives that scope. I sincerely tried my best to see if I could fall in line with them, but it has not been possible for me to do so. I know that it is not within our scope to fix the maximum wage in this industry; neither are we competent to fix the increments. But I am glad to know that the Management are prepared to give bi-annual increment to the workers, whatever may be the sum. In order to fix the basic wage I feel it is quite essential to know on what basis or logic or on what moral the Covanented Officers are paid abnormally high wages and huge allowances of

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varied descriptions. It is this system that is responsible for the workers' feeling of unfair treatment on the part of the Management. The Management say that the present wage for unskilled surface worker is Re. 0-13-0 and for an underground skilled worker is Rs. 1-1-0 per day. They also confess that they are paying for only 26 days in a month. It comes to this in actual working that it is not actually Re. 0-13-0 and Rs. 1-1-0 per day, but it is only Re. 0-11-3 for a surface worker and Re. 0-14-6 for an underground worker in a month of 30 days. The worker to-day is not paid for holidays like Sundays. In the year of grace 1950 it is astonishing that the Management speaks lightly on this issue and justifies his stand for not paying wages for holidays. What is this holiday without wages? I cannot too strongly condemn the attitude of an employer not paying wages for holidays. I am glad there is a provision in the Minimum Wages Act that whatever be the daily minimum wage fixed, it should be paid to the worker even for holidays. Coming to the main question of what is the minimum wage, I agree with the Committee's view that it is the minimum basic wage *plus* dearness and all other allowances. The minimum wage fixed by this Committee, *i.e.*, Re. 1-0-0 for surface worker is not really so in as much as it includes the Attendance bonus of Rs. 1-8-0 per month that is being paid and one anna being the Provident Fund that the employee has to contribute. If a total of two annas per day on account of the above two items is deleted, the basic wage comes to only Re. 0-14-0 per day. The present wage is Re. 0-13-0 for an unskilled surface worker and the basic wage fixed is only at Re. 0-14-0. This cannot be considered as adequate increase over the present wage level. When the Committee is of opinion that what the Management is paying is not the minimum basic wage and in fixing the basic wage now, when the Committee takes into consideration the report of the survey made by the Labour Commissioner's Office it logically follows that this basic wage should have been paid to the worker in 1942, when the survey was made. I am certainly sorry therefore that the Committee had not taken into consideration this aspect; if this had been done, I am sure with the basic wage fixed at one rupee in 1942 and the Management agreeing to give bi-annual increment even at one anna the minimum basic wage now should have been fixed at least at Rs. 1-4-0. I am only drawing all these facts to merely

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show that the stand of the Labour Associations in demanding the basic wage for an unskilled surface worker of Rs. 1-8-0 to-day is just and reasonable, although my figures as per calculations have come to Rs. 1-9-5 as the basic wage per day. I am agreeable to reduce it to Rs. 1-8-0 as demanded by the Labour Associations. If Rs. 1-8-0 can be fixed as basic wage in 1942, when 160 was the cost of living index, it is quite reasonable that the dearness allowance and other allowances should be at least another Rs. 1-8-0 per day or Rs. 45 per month for a living index of 320. The present living index in K.G.F. is certainly more than 320. But for purposes of calculation I am content to take 320 as the living index and I have therefore no hesitation in recommending the allowance of Rs. 45 per month. In all, I recommend a basic wage of Rs. 1-8-0 per day to be paid for 30 days, *i.e.*, Rs. 45 per month *plus* Rs. 45 allowances, in all Rs. 90 as a minimum wage for a surface unskilled worker. I agree that an addition of Re. 0-4-0 should be paid to the underground worker. It can be seen from the statement of the Labour Associations that they have demanded a minimum wage of Rs. 118-14-0 for a surface worker. I cannot say their demand is unjust or exhorbitant, but I have deliberately refused to comply with the demand of the Labour Association for just this simple reason that I feel just that the worker also should sacrifice a bit, more as he has already sacrificed too much when the country expects and deserves voluntary sacrifices from all concerned. I know that the labour in K. G. F. is growning under semi-starvation from a long time, and I can only attribute this as the main cause for under-production, if any, and I am glad the Chairman also agree with this view as per his following observation " It is also possible that the wages paid are themselves the cause of lower productivity ".

One thing to be borne in mind is that Government is also a partner in this industry, in as much as it realizes a huge sum as taxes ; I think it is natural and reasonable for the Government to levy taxes on rich and profitable industry like this Gold Mining Industry. I would add that in the national interest any State should do that. In my opinion this is a fit industry for nationalisation, but it is not within the scope of this Committee to give opinion on this subject. The subjects like nationalisation or socialisation of the industries are

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beyond our purview. But I have no hesitation in saying that whether it is nationalised or private managed, it is in the interests of the employers themselves that the labour should be kept contented and above wants. The question is asked as to how the present low wage level of the worker can be raised. Fortunately we are on the eve of celebrating the new born Republic of India.

In the Constitution of India Act, the ideal of the State Policy in Section 43 is quoted as below:—"The State shall endeavour to secure by suitable legislation or organisation or in any other way to all worker, agricultural, industrial, or otherwise work a living wage conditions of work ensuring a decent standard of life and full enjoyment and leisure and social and cultural opportunities and in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas. We should not forget that it is the Congress which guaranteed payment of a minimum of Rs. 30 per mensem as wages to a worker under Swarajya Government, is now in power. If Rs. 30 should be the basic wage in 1929 my suggestion to fix Rs. 45 in the year 1950 can under no circumstances be considered as abnormal or unreasonable. I therefore recommend to the Government to approve of my suggestion and I hope it will do so. Even if my suggestion is not accepted I have this consolation that I have discharged my duty as per my conscience, which is the sole Judge of all my actions. Before thanking the Government for giving me this opportunity to serve labour in the interest of both the Management and the Government I have to make one observation on the hours of work. I am really sorry that the Committee has not thought fit to reduce the number of hours of work for the underground labour. We had the opportunity to see with our own eyes the hard sweated labour without any breeze whatever to blast the rock. I think it is quite essential both in the interest of the labour as well as the Management that the hours of work in the underground should be reduced to 7 hours per day. It is my considered opinion that both the Government and the Covenanted Officers employed in this Gold Mining Industry should voluntarily forego a portion of their income in order that the present low wage level of the worker may be raised a little, which is the aim of the Government in enacting this Minimum Wages Act. Let me conclude with the hope that in the every day

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changing conditions of the world, the labour will come to its own and that both the Management and the Government will treat the labour with that human touch that is necessary for the progress of the mankind and the nation as a whole.

"JAI HIND".

BANGALORE,
Dated 25th January 1950.

Member,
K.G.F. Minimum Wage Committee.

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Dissenting Notes of Messrs. S. O. Bagyanathan and Rathnasabhapathy.

1. As we have fundamental difference with the views expressed in the majority report, we are submitting this dissenting minute, with much regret.

2. The labourers in Kolar Gold Fields have been persistently demanding living wages. The Gold Mining in Kolar Gold Field is unique in India. It takes second place of importance in the Gold Mining Industry of the World. As such the wages offered to the workers, employed by the Gold Mining Companies of K.G.F. must be adequate and consistant with the modern conceptions of the term "living wages". Unless the labourers are paid, in a just manner, it is idle to talk of dutiful and patriotic service.

3. This Board has been constituted to make recommendations to the Government, as to the minimum wages of various categories of employees of Mining Companies and the K. G. F. Electricity Department. It is admitted by all parties that, what is meant by "minimum wage" is living wage and not subsistant wage or fair wage. The Mining Companies in their statement (Para II) says: "It is submitted that the Mysore Minimum Wages Act does not define the term "Minimum Wage" but from the explanations given in Section 5, it is assumed that it means a "*Living Wage*". So this Board is called upon to make the recommendations as to what constitutes living wages to various categories of employees of the four Mining Companies and the K. G. F. Electricity Department.

4. Three terms are generally used in connection with the wages of labourers:—(1) Subsistence wage, (2) Fair wage, and (3) Living wage. What is meant by 'Subsistence wage' is that, paid by a master to his slave to keep the slave's body strong so that it may render him effective service. What is meant by 'Fair wage' is that, paid by an employer to his worker to have him and his dependents fed, clothed and live in some comforts. 'Living wage' is a modern conception which provides, not only, all creature comforts to the worker and dependents but also puts enough in his hands to be a useful and progressive citizen. Awakened and organised labour will not be content with anything less than living wages. If Communism is not making headway in America or Switzerland, it is because the employers in those countries are wiser than their counterparts in other countries and

pay their employees living wages. In new India, it has become a patriotic duty for an employer to pay living wages to his employees. Weighing the recommendations of this Committee against these considerations, we must confess our disappointment that the suggested minimum wage (of unskilled worker) is far below my idea of what is minimum wage of an unskilled worker.

5. The Labour Associations in their list of monthly family expenses have included medical expenses, education expenses and marriage expenses. But, unfortunately, this Board has discarded these expenses. Except for elementary education, the labourer has to spend money for the education of his children, unless he keeps his children, equipped for nothing but unskilled manual labour.

6. The assumption of this Board that the labourer spends nothing in the way of medical expenses is erroneous. The Company Hospital looks to the medical needs of the labourer only but not of the other members of his family.* Of course, there is the Civil Hospital. But it is notorious that to get effective medical treatment, one has to spend a little money. Like anybody else the worker spends a little money, from time to time, over medical treatment.

7. Again, so long as the worker is having male and female children he has to put by a little money for the marriage expenses. There is nothing strange or extraordinary about this. It may be that there are a few items in the family budgets, submitted by the Labour Associations, which are a little exaggerated. But the expenses for education, medical treatment and marriage are genuine.

8. According to our calculations, for expenses other than those for the education, medical treatment and marriage, an unskilled surface labourer is entitled to get a daily wage of Rs. 1-1-1. According to this, expenses for medical treatment, education, marriage and dhoby, the labourer has to get a daily wage of Rs. 1-8-0, as demanded by the Labour Associations.

9. We should have no complaint, if it is recorded that what is recommended is not "living wages"; and it is open to the labourers to fight for living wages, in future. But to have recorded that what is now recommended is living wages, is to block the way of the Labour Associations in their fight for actual living wages.

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*Except at the discretion of the Superintendent.

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10. The Labour Associations in their statement (last para) appeals to this Board, thus, "We trust that this Board will make effective recommendations that the question of wages will be settled, once for all, and the labourers will settle down to do their useful work for the benefit of the nation". We wonder whether the recommendations of this Board are a fitting response to this earnest appeal.

11. The Labour Associations in their statement requested this Board not only to fix the 'minimum wages' of unskilled labourers but also to fix the minimum wages of various categories of skilled workers and artisans, such as, carpenters, fitters, etc. But it is to be noted that no scientific approach has been made to fix the minimum wages of those categories. The Board recommends an increase of three annas in the daily wages of an unskilled worker and adds three annas to the daily wages of skilled workers, without cogent reason. Is that scientific?

12. The Labour Associations in Kolar Gold Fields have been clamouring to tack the dearness allowance to the cost of living index, as it is done in many industrial concerns in Bangalore, Madras and Bombay. This Board calls the Fields a local area and recommends a flat rate of dearness allowance. But when it is known that the cost of living index of K.G.F. is higher than that of Bangalore, the recommendation falls flat. In our opinion, whether Kolar Gold Fields is a local area, village area, or urban area, it should be reasonable to pay dearness allowance to labourers according to the local cost of living index.

13. Though we have recorded our differences with the majority report, as in duty bound, we wish to express our deep regard for every member of the Board, especially its illustrious Chairman and take the opportunity to thank the Government for having given us a chance to serve the cause of labour, which we deem is the cause of God.

1st February 1950. (Sd) A. RATHNASABHAPATHY.

(Sd) S. O. BAGYANATHAN.

Note.—The case for "Living wage" for workers has been referred on the floor of the Legislative Council on 24th June 1946 by the Member representing K. G. F. *cum* Bangalore Labour Constituency. Though nearly four years have passed since that reference has been made, still nothing has been satisfactorily done regarding that.

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NOTIFICATIONS.

No. A.F. 1505—Mart. 1-50-2, dated Bangalore, the 15th May 1950.

In exercise of the powers conferred by sub-section (3) of section 19 of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), His Highness the Maharaja of Mysore is pleased to authorise the Secretary, Regulated Market Committee, Davangere, to institute prosecution proceedings on behalf of the Regulated Market Committee for the offences committed under the said Act.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Food and Agriculture Departments.

No. E. 1703—B.R. 1-49-18, dated Bangalore, the 16th May 1950.

In exercise of the powers under Section 5 of the Act for the Prohibition of Beggary, 1944, and under Rule 5 (iii) of the Rules framed thereunder, and in partial modification of Notification No. E. 1490—B.R. 3-48-6, dated 20th June 1949, the Mayor, Bangalore City Corporation, is nominated as a Member of the Central Beggar Relief Committee until the Committee constituted in the said Notification is reconstituted.

By Order of His Highness the Maharaja,

No. 907—Cts. 179-49-3, dated Bangalore, the 18th May 1950.

Under Section 5 of the Mysore Civil Courts Act, 1 of 1883, the territorial and pecuniary jurisdiction of the Courts of the Munsiffs, mentioned in the appended statement will extend over the Asali villages and the Hamlets attached to the said Asali villages mentioned in the appended statement which have been taken over by the Mysore State.

2. Under Section 16 of the said Act, the Munsiffs mentioned in the appended statement are invested with the jurisdiction of a Court of Small Causes for the trial of suits cognisable by such Court up to any amount not exceeding Rs. 100 arising within the jurisdiction mentioned in the appended statement.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

APPENDIX.

Statement indicating the Territorial and Pecuniary Jurisdiction of the following Civil Courts over the Asali villages and Hamlets which have been taken over by the Government of Mysore from the Government of India.—

Name of the Court exercising jurisdiction	Name of the Taluk to which the villages and Hamlets have been attached	Name of the Asali Village	Names of Hamlets attached to the Asali villages
Second Munsiff, Bangalore.	Anekal ...	1 Madivalam ...	1 Adisundathi 2 Bandapuram 3 Settipalli 4 Pathur
Do ...	Do ...	2 Marasur ...	1 Magnaikanapalli 2 Inam Marasur Agraharam.
Munsiff, Kolar ...	Malur ...	3 Araleri ...	1 Angisettipalli 2 Karagathimmanapalli. 3 Upparahalli 4 Kuntenapalli
Do ...	Do ...	4 Rayasandiram	1 Tolasandadoddi
Do ...	Do ...	5 Ettakodi ...	
Do ...	Do ...	6 Tolakanapalli	1 Bypanapalli 2 Tirasandapalli
Munsiff, Doddballapur.	Goribidanur ...	7 Chowti-Kuntapalli.	
Do ...	Do ...	Narasapuram not yet taken.	
Munsiff, Madhugiri	Madhugiri ...	8 Kotagaralahalli.	1 Honnapura 2 Bullasamudram 3 Bhimanakunte 4 Virupagondanahalli 5 Badigondanahalli
Do ...	Do ...	9 Jodi Sarjammanahalli.	1 Erragattapalyam
Munsiff, Chitaldrug	Hiriyur ...	10 Kanjanahalli...	1 Burdakunte 2 Palyam 3 Bettur 4 Bettagowdanahalli

Name of the Court exercising jurisdiction	Name of the Taluk to which the villages and Hamlets have been attached	Name of the Asali Village	Names of Hamlets attached to the Asali villages
Munsiff, Sagar ...	Hosanagar ...	11 Hebbige ...	1 Huklu 2 Kadanahalli 3 Sallekoppa 4 Gurtekai 5 Indibasli 6 Rattali 7 Hosamane 8 Ambageri 9 Komnia Totafer 10 Paru 11 Malemane 12 Ganjala 13 Gantigemane 14 Panajagere 15 Bastigadde 16 Hannerpete 17 Udehe 18 Kasiamane 19 Mavagudde 20 Guelageda 21 Bairege 22 Varenane 23 Tungar 24 Madikai
Do ...	Do ...	12 Koteshwar ...	1 Kabbinakodige 2 Sullemane 3 Baisakallu 4 Bonnemane 5 Jaddinagadde 6 Kankodlu 7 Nennatti 8 Koodige
Do ...	Do ...	13 Nagodi ...	1 Malekoppa 2 Hosalli 3 Meni 4 Lakmane 5 Soolagodu 6 Kakgamadi 7 Attahalli 8 Kallasanka 9 Beloor 10 Kasandai 11 Heggalamane 12 Halkadu 13 Halamane 14 Maglu
Total ..		13 Asali Villages	69 Hamlets

No. Fl. 1535—S.T. 8-50-2, dated Bangalore, the 16th May 1950.

The following draft amendments to the Mysore Sales Tax Rules, 1948, which it is proposed to make in exercise of the powers conferred by section 25 of the Mysore Sales Tax Act, 1948 (XLVI of 1948), are hereby published for the information of all persons likely to be affected thereby, as required by sub-section (4) of section 25 of the said Act.

Notice is hereby given that the draft will be taken into consideration after four weeks from the date of publication of this Notification in the *Mysore Gazette.*

Objections or suggestions, if any, to the said draft may be forwarded to the Legal Remembrancer and Secretary to Government, Law Department, Public Offices, Bangalore, through the Commissioner of Sales Tax in Mysore, Bangalore, for consideration so as to reach him within the aforesaid period.

Draft Amendments.

In the Mysore Sales Tax Rules, 1948,—

(1) For clause (K) of rule 3, the following clause shall be substituted :—

"(K) "Quarter" means a quarter ending on the 30th June, 30th September, 31st December or 31st March."

(2) In Rule 6—

(i) in sub-rule (1)—For the figure and words "30th day of June" the figure and words "31st day of March" shall be substituted;

(ii) in sub-rule (3)—For the figure and words "31st July" the figure and words "30th day of April" shall be substituted;

(iii) in sub-rule (4)—For the figure and words "30th day of June" the figure and words "31st day of March" shall be substituted;

(iv) in sub-rule (10)—For the word "August" and the figure and word "30th June" the word "May" and the figure and word "31st March" shall, respectively, be substituted; and

(v) in sub-rule (11)—For the word "September" the word "June" shall be substituted.

(3) In Rule 11—

(i) in sub-rule (6)—For the word "August" the word "May" shall be substituted; and

(ii) in clause (ii) of sub-rule (7)—For the figure and word "31st July" the figure and word "30th April" shall be substituted.

(4) In Rule 17—

(i) in sub-rule (1)—For the word "August" wherever it occurs, the word "May" shall be substituted; and

(ii) in sub-rule (4)—For the word "August" wherever it occurs the word "May" shall be substituted;

(5) In sub-rule (1) of Rule 20—For the word "July" the word "April" shall be substituted.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. C. 243—Co. 23-49-47, dated Bangalore, 23rd May 1950.

In exercise of the powers conferred by Section 3 and clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Messrs. Parke Davis & Company, Bombay for the prices

specified in column 2 of the said schedules, the prices specified in column 2 hereunder shall be substituted.

Messrs. Parke Davis & Company, Bombay.

Dihydrostreptomycin—1 gm. .... Rs. 5 3 0

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, TUESDAY, MAY 23, 1950.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 531—Legis. 18-50-1, Bangalore, dated the 23rd May 1950.

Ordered that the accompanying Betting Tax (Amendment) Ordinance, 1950, which was promulgated by His Highness the Maharaja of Mysore, on the twenty-third day of May, 1950, be published as Mysore Ordinance No. II of 1950, in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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MYSORE ORDINANCE No. II OF 1950.

THE BETTING TAX (AMENDMENT) ORDINANCE, 1950.

(Promulgated on the twenty-third day of May, 1950.)

An Ordinance further to amen the Betting Tax Act, 1932.

Preamble.

WHEREAS the Mysore Legislative Assembly is not in session and the Rajpramukh of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Betting Tax Act, 1932, (IX of 1932);

NOW, THEREFORE, in exercise of the powers conferred by Clause (1) of Article 213 of the Constitution of India, the Rajpramukh of Mysore is pleased to promulgate the following Ordinance :—

Short title and commencement.

1. (1) This Ordinance may be called the Betting Tax (Amendment) Ordinance, 1950.

(2) It shall come into force at once.

Amendment of Section 6, Act IX of 1932.

2. In section 6 of the Betting Tax Act, 1932, (hereinafter referred to as the said Act),

(1) in sub-section (1), for the words "out of all moneys paid or agreed to be paid by a licensed bookmaker to a backer in consequence of the winning by the backer", the words "out of all money paid or agreed to be paid to a licensed bookmaker by a backer in respect" shall be substituted; and the words "on backers" shall be omitted; and

(2) in sub-section (2), for the words "paid to the backer", the words "paid by the backer" shall be substituted.

Amendment of Section 8, Act IX of 1932.

3. In sub-section (2) of section 8 of the said Act, for the words "all sums paid or agreed to be paid by them to backers in satisfaction of bets", the words "all moneys paid or agreed to be paid to them by backers in respect of bets" shall be substituted.

JAYA CHAMARAJA WADIYAR,

Rajpramukh of Mysore.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

(EXTRAORDINARY)

BANGALORE, MONDAY, MAY 29, 1950.

PART IV

Section I-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 570—Legis 2-50-20, dated Bangalore, 27th May 1950.

Ordered that the accompanying Industrial Disputes (Appellate Tribunal) Act, 1950, (XLVIII of 1950), published in the *Gazette of India* dated the 23rd May, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

Received assent on 20-5-1950.

GOVERNMENT OF INDIA 191

MINISTRY OF LAW

ACT No. XLVIII OF 1950.

THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) ACT, 1950.

AN

ACT

to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto.

BE it enacted by Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title and extent.*—(1) This Act may be called the Industrial Disputes (Appellate Tribunal) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(*a*) " Appellate Tribunal " means the Labour Appellate Tribunal constituted under section 4 ;

(*b*) " Chairman " means the Chairman of the Appellate Tribunal ;

(*c*) " industrial tribunal " means—

(*i*) any Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (XIV of 1947) ; or

(*ii*) in relation to cases where an appeal lies from any court, wage board or other authority set up in any State under any law relating to the adjudication of industrial disputes made, whether before or after the commencement of this Act, by the legislative authority of the State to any other court, board or authority set up in the State under such law, that court, board or authority exercising appellate jurisdiction within the State ; or

(*iii*) in relation to other cases, where no appeal lies under any law referred to in sub-clause (*ii*), any court, board or other authority set up in any State under such law ;

(*d*) " member " means a member of the Appellate Tribunal ;

(*e*) " prescribed " means prescribed by rules made under this Act ;

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(*f*) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment and includes—

(*i*) such allowances (including dearness allowance) as the workman is for the time being entitled to ;

(*ii*) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles ;

(*iii*) any travelling concession ;

but does not include—

(*i*) any contribution paid or payable by the employer to any pension fund or provident fund ;

(*ii*) any gratuity payable on discharge ;

(*g*) the expressions "appropriate Government", "employer", "lockout", "strike" and "workman" have the meanings respectively assigned to them in section 2 of the Industrial Disputes Act, 1947 (XIV of 1947).

3. *Effect on other laws.*—The provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

CHAPTER II.

THE LABOUR APPELLATE TRIBUNAL AND ITS CONSTITUTION AND FUNCTIONS.

4. *Constitution of the Appellate Tribunal.*—The Central Government may, by notification in the Official Gazette and with effect from a date specified therein, constitute a Labour Appellate Tribunal for hearing appeals from the awards or decisions of industrial tribunals in accordance with the provisions of this Act.

5. *Composition of the Appellate Tribunal and term of office of its members.*—(1) The Appellate Tribunal shall consist of a Chairman and such number of other members as the Central Government may, from time to time, think fit to appoint.

(2) Every member of the Appellate Tribunal shall be a person who—

(*a*) is or has been a Judge of a High Court ; or

(*b*) is qualified for appointment as a Judge of a High Court ; or

(*c*) has been a member of an industrial tribunal for not less than two years :

Provided that the appointment to the Appellate Tribunal of any person not qualified under clause (*a*) or clause (*c*) shall be made in consultation with the Supreme Court.

(3) A member shall, unless otherwise specified in the order of appointment, hold office for a term of five years from the date on which he enters upon his office, and shall, on the expiry of the term of his office, be eligible for reappointment :

Provided that no member shall hold office after he has attained the age of sixty-five years.

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(4) A member shall be entitled to such salary and allowances and to such rights in respect of leave and pensions as may be prescribed :

Provided that the salary of a member shall not be varied to his disadvantage after his appointment.

6. *Seat of the Appellate Tribunal.*—The Appellate Tribunal shall have its principal seat at such place as the Central Government may, by notification in the Official Gazette, appoint.

7. *Jurisdiction of the Appellate Tribunal.*—(1) Subject to the provisions of this section, an appeal shall lie to the Appellate Tribunal from any award or decision of an industrial tribunal if—

(*a*) the appeal involves any substantial question of law ; or

(*b*) the award or decision is in respect of any of the following matters, namely :—

(*i*) Wages,

(*ii*) bonus or travelling allowance,

(*iii*) any contribution paid or payable by the employer to any pension fund or provident fund,

(*iv*) any sum paid or payable to, or on behalf of, the workman to defray special expenses entailed on him by the nature of his employment,

(*v*) gratuity payable on discharge,

(*vi*) classification by grades,

(*vii*) retrenchment of workmen,

(*viii*) any other matter which may be prescribed.

(*2*) No appeal shall lie from—

(*a*) any award made by the Industrial Tribunal set up under the Industrial Disputes Act, 1947 (XIV of 1947), by the notification of the Government of India in the Ministry of Labour, No. L.R. 2(205), dated the 13th June 1949 ; or

(*b*) any award or decision of an industrial tribunal made with the consent of parties or from any settlement arrived at between the parties in the course of conciliation proceedings, whether before a conciliation officer or a conciliation board or any other authority or from any decision of an arbitrator appointed under any law with the consent of parties to settle the dispute.

8. *Constitution of Benches of the Appellate Tribunal.*—(*1*) The Chairman may constitute as many Benches of the Appellate Tribunal as may be deemed necessary for the purpose of carrying out the functions and exercising the powers of the Appellate Tribunal.

(*2*) Each Bench shall consist of not less than two members, of whom one may be appointed as the President of the Bench.

(*3*) A Bench shall sit at such place or places as may be specified by the Chairman by notification in the Official Gazette :

Provided that the Bench may, if it is satisfied that it will tend to the general convenience of the parties or witnesses in any particular case, sit at any other place.

(*4*) The Chairman may, from time to time, allot any case or any specified class of cases to any Bench and may also from time to time transfer any case or any specified class of cases from one Bench to another.

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9. *Powers and procedure of the Appellate Tribunal.*—(*1*) The Appellate Tribunal shall have the same powers as are vested in a civil court, when hearing an appeal, under the Code of Civil Procedure, 1908 (Act V of 1908).

(*2*) Without prejudice to the generality of the provisions contained in sub-section (1), the Appellate Tribunal may, after hearing the appellant, dismiss the appeal if, in its judgment, there is no sufficient ground for proceeding with the appeal and in such cases, the Appellate Tribunal shall briefly record its reasons for so doing.

(3) The Appellate Tribunal shall be deemed to be a civil court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any proceeding before an Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indial Penal Code (Act XLV of 1860).

(*4*) The Appellate Tribunal may, if it so thinks fit, appoint, after consulting the parties to the dispute and the appropriate Government, one or more persons as assessors to advise it in any proceeding before it.

(*5*) The Appellate Tribunal shall, after hearing the appeal, pronounce its decision either at once or on some future date to which the appeal is adjourned for that purpose.

(*6*) The decision shall be in writing and signed by the members of the Appellate Tribunal hearing the appeal.

(*7*) The Appellate Tribunal may confirm, vary or reverse the award or decision appealed from and may pass such orders as it may deem fit, and where the award or decision is reversed or varied, the decision of the Appellate Tribunal shall state the reliefs to which the appellant is entitled.

(*8*) In the event of any difference of opinion among the members of a Bench, the opinion of the majority shall prevail, but where there is no such majority, the President of the Bench shall refer to the Chairman either the whole appeal or the particular point or points on which there has been difference of opinion among the members of the Bench and on such reference, the Chairman shall either hear the matter himself or transfer it to any other member and the decision thereon of the Chairman or the other member, as the case may be, shall prevail.

(*9*) The Appellate Tribunal shall send a copy of the decision to the industrial tribunal concerned and to the appropriate Government, as soon as practicable, within one week from the date of the decision.

(*10*) The Appellate Tribunal shall follow such procedure as may be prescribed, and subject thereto, it may, by order, regulate its practice and procedure and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), shall, so far as they are not inconsistent with this Act or the rule or orders made thereunder, apply to all proceedings before the Appellate Tribunal.

(*11*) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before the Appellate Tribunal shall be in the discretion of the Appellate Tribunal, and the Appellate Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid and to give all necessary directions for the purposes aforesaid, and such costs may be recovered in the manner provided for in sub-section (1) of section 20.

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10. *Limitation of filing appeals.*—An appeal under this Act may be preferred within thirty days—

(*i*) from the date of the publication of the award or decision, where such publication is provided for by the law under which that award or decision is made; or

(*ii*) from the date of making the award or decision, where there is no provision for such publication:

Provided that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

11. *Form of appeal.*—An appeal under this Act shall be presented in the form of a memorandum setting forth, concisely and under distinct heads, the grounds of objection to the award or decision appealed from.

12. *Presentation of appeal.*—An appeal under this Act against any award or decision of an industrial tribunal may be presented to the Appellate Tribunal by—

(*i*) any party which is aggrieved by the award or decision; or

(*ii*) the appropriate Government or the Central Government, where it is not the appropriate Government, whether or not such Government is a party to the dispute.

13. *Right of the Central Government and of the appropriate Government to appear before the Appellate Tribunal.*—The appropriate Government or the Central Government, where it is not the appropriate Government, may, whether or not such Government is a party to the appeal, appear in any proceeding before the Appellate Tribunal and thereupon, such Government shall have the right to be heard as if it were a party to that appeal.

14. *Stay of award or decision by the Appellate Tribunal.*—Where an appeal is preferred, the Appellate Tribunal may, after giving the parties an opportunity of being heard, stay, for reasons to be recorded, the implementation of the award or decision or any part thereof for such period and on such conditions as it thinks fit:

Provided that no such order for stay shall be made unless the Appellate Tribunal is satisfied that the implementation of the award or decision may have serious repercussions on the industry concerned or other industries or on the workmen employed in such industry or industries.

15. *Commencement of decision of the Appellate Tribunal.*—(*1*) The decision of the Appellate Tribunal shall be enforceable on the expiry of thirty days from the date of its pronouncement:

Provided that where the appropriate Government is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the decision, the appropriate Government may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject the decision or modify it.

(*2*) Where the appropriate Government rejects or modifies any decision under the proviso to sub-section (*1*), it shall, on the first available opportunity, lay that decision together with its reasons for rejecting the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

16. *Effect of decision of the Appellate Tribunal.*—Where on appeal from any award or decision of an industrial tribunal, the Appellate Tribunal modifies in any manner whatsoever that award or decision, the decision of the Appellate Tribunal

shall, when it becomes enforceable under section 15, be deemed to be substituted for the award or decision of the industrial tribunal and shall have effect for all purposes in the same manner and in accordance with the same law under which the award or decision of the industrial tribunal was made as if the industrial tribunal made the award or decision as modified by the decision of the Appellate Tribunal.

17. *Commencement and conclusion of appeal.*—An appeal before the Appellate Tribunal shall be deemed to have commenced on the date of the filing of the appeal and such appeal shall be deemed to have concluded on the date on which the decision of the Appellate Tribunal becomes enforceable under section 15.

CHAPTER III.

CERTAIN PROVISIONS RELATING TO INDUSTRIAL TRIBUNALS SET UP UNDER OTHER LAWS.

18. *Commencement of award or decision of Industrial Tribunal.*—(*1*) Subject to the provisions of this Act, the award or decision of any industrial tribunal shall, notwithstanding anything contained in any law, be enforceable on the expiry of thirty days—

(*i*) from the date of the publication of the award or decision, where such publication is provided for by the law under which that award or decision is made, or

(*ii*) from the date of making the award or decision, where there is no provision for such publication:

Provided that in cases where the award or decision is not appealable under this Act, and where the appropriate Government is a party to the dispute and is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the award or decision, it may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject or modify the award or decision.

(*2*) Where the appropriate Government rejects or modifies any award or decision under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award or decision together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(*3*) Subject to the provisions of sub-section (1) the award or decision of any industrial tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date on which that award or decision becomes enforceable under sub-section (*1*).

19. *Exclusion of certain period in the computation of the period of operation of any award or decision of Industrial Tribunal.*—In the computation of the period of operation of any award or decision of any industrial tribunal, the period during which the implementation of the award or decision is stayed by the Appellate Tribunal shall be excluded.

20. *Recovery of money due from an employer under an award or decision.*—(*1*) Any money due from an employer under any award or decision of an industrial tribunal may be recovered as arrears of land revenue or as a public demand by the appropriate Government on an application made to it by the person entitled to the money under that award or decision.

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(2) Where any workman is entitled to receive from the employer any benefit under an award or decision of an industrial tribunal which is capable of being computed in terms of money, the amount at which such benefit should be computed may, subject to the rules made under this Act, be determined by that industrial tribunal and the amount so determined may be recovered as provided for in sub-section (1).

(3) For the purpose of computing the money value of a benefit, the industrial tribunal may, if it so thinks fit, appoint a commissioner, who shall, after taking such evidence as may be necessary, submit a report to the industrial tribunal, and the said tribunal shall determine the amount after considering the report of the commissioner and other circumstances of the case.

21. *Maintenance of records by Industrial Tribunals.*—Every industrial tribunal shall, in respect of any case from which an appeal would lie under this Act, maintain, subject to the rules made under this Act, a record of the proceedings before it including the statements of parties and witnesses and relevant documents.

CHAPTER IV.

MISCELLANEOUS.

22. *Conditions of service, etc., to remain unchanged during a certain period.*—During the period of thirty days allowed for the filing of an appeal under section 10 or during the pendency of any appeal under this Act, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such appeal, the conditions of service applicable to them immediately before the filing of such appeal, or

(b) discharge or punish, whether by dismissal or otherwise, any workmen concerned in such appeal,

save with the express permission in writing of the Appellate Tribunal.

23. *Special provision for decision whether conditions of service, etc., changed during pendency of proceedings.*—Where an employer contravenes the provisions of section 22 during the pendency of proceedings before the Appellate Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Appellate Tribunal and on receipt of such complaint, the Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce its decision thereon and the provisions of this Act shall apply accordingly.

24. *Prohibition of strikes and lock-outs.*—Notwithstanding anything contained in any law for the time being in force, no workman who is employed in any industrial establishment shall go on strike and no employer of any such workman shall declare a lock-out—

(a) during the period of thirty days allowed for the filing of an appeal under section 10 ; or

(b) during the pendency of an appeal before the Appellate Tribunal.

25. *Illegal strikes and lock-outs.*—A strike or lock-out shall be illegal, if it is declared, commenced or continued in contravention of the provisions of section 24.

26. *Penalty for illegal strikes and lock-outs.*—(1) Any workman who commences, continues, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees. or with both.

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(2) Any employer who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

27. *Penalty for instigation, etc.*—Any person who instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out, which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

28. *Penalty for giving financial aid to illegal strikes and lock-outs.*—Any person who knowingly expends or applies any money in furtherance or support of any strike or lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

29. *Penalty for other offences.*—(1) Any employer who contravenes the provisions of section 22 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees.

30. *Powers of the Appellate Tribunal in relation to contempts.*—(1) If any person—

(*a*) when ordered by an industrial tribunal or the Appellate Tribunal to produce or deliver up any document,, being legally bound, intentionally omits to do so, or

(*b*) when required by an industrial tribunal or the Appellate Tribunal to bind himself by an oath or affirmation to state the truth, refuses to do so, or

(*c*) being legally bound to state the truth on any subject to an industrial tribunal or the Appellate Tribunal, refuses to answer any question put to him touching such subject by such industrial tribunal or the Appellate Tribunal, or

(*d*) refuses to sign any statement made by him when required to do so by an industrial tribunal or the Appellate Tribunal, or

(*e*) intentionally offers any insult or causes any interruption to an industrial tribunal or the Appellate Tribunal at any stage of its judicial proceeding,

he shall be deemed to be guilty of contempt of such industrial tribunal or the Appellate Tribunal, as the case may be.

(2) If any person commits any act or publishes any writing, which is calculated to improperly influence an industrial tribunal or the Appellate Tribunal or to bring such industrial tribunal or the Appellate Tribunal or any member thereof into disrepute or contempt or to lower its or his authority, or to interfere with the lawful process of any such industrial tribunal or the Appellate Tribunal, such person shall be deemed to be guilty of contempt of such industrial tribunal or the Appellate Tribunal, as the case may be.

(3) The Appellate Tribunal shall have and exercise the same jurisdiction, power and authority, in accordance with the same procedure and practice, in respect of contempts of itself and of all the industrial tribunals as the High Courts have and

exercise in respect of themselves and courts subordinate to them under the Contempt of Courts Act, 1926 (XX of 1926).

31. *Offence by companies, etc.*—Where a person committing an offence under this Act is a company, or other body corporate, or any association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent be deemed to be guilty of such offence.

32. *Cognizance of offences.*—(1) No court shall take cognizance of any offence punishable under this Act or of the abetment of any such offence, save on complaint made by or under the authority of the appropriate Government or by an officer empowered in this behalf by such Government, by a general or special order.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

33. *Representation of parties.*—(1) A workman who is a party to an appeal shall be entitled to be represented in any proceedings under this Act by—

(*a*) an officer of a registered trade union of which he is a member ;

(*b*) an officer of a federation of trade unions to which the trade union referred to in clause (*a*) is affiliated ;

(*c*) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in the industry in which the worker is employed and authorised in such manner as may be prescribed.

(2) Any employer who is a party to an appeal shall be entitled to be represented in any proceeding under this Act by—

(*a*) an officer of an association of employers of which he is a member ;

(*b*) an officer of a federation of associations of employers to which the association referred to in clause (*a*) is affiliated ;

(*c*) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Appellate Tribunal.

34. *Amendment of Act* XIV *of* 1947.—The Industrial Disputes Act, 1947 (XIV of 1947) shall be amended in the manner specified in the Schedule.

35. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which an appeal may be preferred and the form of appeal; the matters in respect of which the Appellate Tribunal may have jurisdiction ;

(*b*) the fees to be paid and the procedure to be followed in relation to such appeal ;

(c) costs, and the manner in which they may be recovered;

(d) the persons who may be appointed as commissioners under section 20; their powers and duties and the fees, if any, to be paid to the commissioners;

(e) the records to be maintained under section 21 and the manner in which they will be maintained;

(f) the manner in which workmen or employers may be represented before the Appellate Tribunal;

(g) any other matter which has to be or may be prescribed.

THE SCHEDULE.

(*See* Section 34).

AMENDMENTS TO THE INDUSTRIAL DISPUTES ACT, 1947 (XIV OF 1947).

1. For sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir."

2. After sub-section (6) of section 11, the following sub-sections shall be inserted, namely :—

"(7) Subject to the rules made under this Act, the cost of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal, and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid, and such costs may, on application made to it by the person entitled, be recovered as arrears of land revenue or as a public demand by the appropriate Government.

(8) Every Tribunal shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898)."

3. For section 15, the following section shall be substituted, namely :—

"15. *Duties of Tribunals.*—Where an industrial dispute has been referred to a Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, as soon as practicable on the conclusion thereof, submit its award to the appropriate Government."

4. After section 17, the following section shall be inserted, namely :—

"17-A. *Commencement of the award.*—(1) The award of a Tribunal shall become enforceable on the expiry of thirty days from the date of its publication under section 17 :

Provided that in cases where the award is not appealable and where the appropriate Government is a party to the dispute and is of opinion that it will be inexpedient on public grounds to give effect to the whole or any part of the award, it may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject the award or modify it.

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(2) Where the appropriate Government rejects or modifies any award under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(3) Subject to the provisions of sub-section (1), the award of a Tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1)."

5. In section 18, for the words, brackets and figures "an award which is declared by the appropriate Government to be binding under sub-section (2) of section 15", the words "an award which has become enforceable" shall be substituted.

6. For sub-section (3) of section 19, the following sub-sections shall be substituted, namely :—

"(3) An award shall, subject to the provisions of this section, remain in operation for a period of one year:

Provided that the appropriate Government may reduce the said period and fix such period as it thinks fit:

Provided further that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

(4) Where the appropriate Government, whether of its own motion or on the application of any party bound by the award, considers that since the award was made, there has been a material change in the circumstances on which it was based, the appropriate Government may refer the award or a part of it to a Tribunal for decision whether the period of operation should not, by reason of such change, be shortened and the decision of the Tribunal on such reference shall, subject to the provision for appeal, be final.

(5) Nothing contained in sub-section (3) shall apply to any award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by the award.

(6) Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

(7) In the computation of the period of operation of an award under sub-section (3), the period during which the implementation of the award is stayed by the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, shall be excluded."

7. For section 33, the following section shall be substituted, namely :—

"33. *Conditions of service, etc., to remain unchanged during pendency of proceedings.*—During the pendency of any conciliation proceedings or proceedings before a Tribunal in respect of any industrial dispute, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

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(*b*) discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute,

save with the express permission in writing of conciliation officer Board or Tribunal, as the case may be."

8. After section 33, the following new section shall be inserted, namely :—

"33A. *Special provision for adjudication as to whether conditions of service, etc. changed during pendency of proceedings.*—Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Tribunal and on receipt of such complaint that Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit its award to the appropriate Government and the provisions of this Act shall apply accordingly."

9. For section 30, the following section shall be substituted, namely :—

"36. *Representation of parties.*—(*1*) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

(*a*) an officer of a registered trade union of which he is a member ;

(*b*) an officer of a federation of trade unions to which the trade union referred to in clause (*a*) is affiliated ;

(*c*) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed.

(*2*) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

(*a*) an officer of an association of employers of which he is a member ;

(*b*) an officer of a federation of associations of employers to which the association referred to in clause (*a*) is affiliated ;

(*c*) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(*3*) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Act or in any proceedings before a Court.

(*4*) In any proceeding before a Tribunal, a party to a dispute may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Tribunal."

K. V. K. SUNDARAM, *Secy*

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(PUBLISHED BY AUTHORITY)

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BANGALORE, MONDAY, MAY 29, 1950.

PART IV

Section I-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 670—Legis 2-50-20, dated Bangalore, 27th May 1950.

Ordered that the accompanying Industrial Disputes (Appellate Tribunal) Act, 1950, (XLVIII of 1950), published in the *Gazette of India* dated the 23rd May, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

Received assent on 20-5-1950.

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GOVERNMENT OF INDIA

MINISTRY OF LAW

ACT No. XLVIII OF 1950.

THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) ACT, 1950.

AN

ACT

to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto.

BE it enacted by Parliament as follows :—

CHAPTER I.

PRELIMINARY.

1. *Short title and extent.*—(1) This Act may be called the Industrial Disputes (Appellate Tribunal) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(*a*) " Appellate Tribunal " means the Labour Appellate Tribunal constituted under section 4 ;

(*b*) " Chairman " means the Chairman of the Appellate Tribunal ;

(*c*) " industrial tribunal " means—

(*i*) any Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (XIV of 1947) ; or

(*ii*) in relation to cases where an appeal lies from any court, wage board or other authority set up in any State under any law relating to the adjudication of industrial disputes made, whether before or after the commencement of this Act, by the legislative authority of the State to any other court, board or authority set up in the State under such law, that court, board or authority exercising appellate jurisdiction within the State ; or

(*iii*) in relation to other cases, where no appeal lies under any law referred to in sub-clause (*ii*), any court, board or other authority set up in any State under such law ;

(*d*) " member " means a member of the Appellate Tribunal ;

(*e*) " prescribed " means prescribed by rules made under this Act ;

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(*f*) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment and includes—

(*i*) such allowances (including dearness allowance) as the workman is for the time being entitled to ;

(*ii*) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles ;

(*iii*) any travelling concession ;

but does not include—

(*i*) any contribution paid or payable by the employer to any pension fund or provident fund ;

(*ii*) any gratuity payable on discharge ;

(*g*) the expressions "appropriate Government", "employer", "lockout", "strike" and "workman" have the meanings respectively assigned to them in section 2 of the Industrial Disputes Act, 1947 (XIV of 1947).

3. *Effect on other laws.*—The provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

CHAPTER II.

THE LABOUR APPELLATE TRIBUNAL AND ITS CONSTITUTION AND FUNCTIONS.

4. *Constitution of the Appellate Tribunal.*—The Central Government may, by notification in the Official Gazette and with effect from a date specified therein, constitute a Labour Appellate Tribunal for hearing appeals from the awards or decisions of industrial tribunals in accordance with the provisions of this Act.

5. *Composition of the Appellate Tribunal and term of office of its members.*—(1) The Appellate Tribunal shall consist of a Chairman and such number of other members as the Central Government may, from time to time, think fit to appoint.

(2) Every member of the Appellate Tribunal shall be a person who—

(*a*) is or has been a Judge of a High Court ; or

(*b*) is qualified for appointment as a Judge of a High Court ; or

(*c*) has been a member of an industrial tribunal for not less than two years :

Provided that the appointment to the Appellate Tribunal of any person not qualified under clause (*a*) or clause (*c*) shall be made in consultation with the Supreme Court.

(3) A member shall, unless otherwise specified in the order of appointment, hold office for a term of five years from the date on which he enters upon his office and shall, on the expiry of the term of his office, be eligible for reappointment :

Provided that no member shall hold office after he has attained the age of sixty-five years.

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(4) A member shall be entitled to such salary and allowances and to such rights in respect of leave and pensions as may be prescribed :

Provided that the salary of a member shall not be varied to his disadvantage after his appointment.

6. *Seat of the Appellate Tribunal.*—The Appellate Tribunal shall have its principal seat at such place as the Central Government may, by notification in the Official Gazette, appoint.

7. *Jurisdiction of the Appellate Tribunal.*—(1) Subject to the provisions of this section, an appeal shall lie to the Appellate Tribunal from any award or decision of an industrial tribunal if—

(*a*) the appeal involves any substantial question of law ; or

(*b*) the award or decision is in respect of any of the following matters, namely :—

(*i*) Wages,

(*ii*) bonus or travelling allowance,

(*iii*) any contribution paid or payable by the employer to any pension fund or provident fund,

(*iv*) any sum paid or payable to, or on behalf of, the workman to defray special expenses entailed on him by the nature of his employment,

(*v*) gratuity payable on discharge,

(*vi*) classification by grades,

(*vii*) retrenchment of workmen,

(*viii*) any other matter which may be prescribed.

(2) No appeal shall lie from—

(*a*) any award made by the Industrial Tribunal set up under the Industrial Disputes Act, 1947 (XIV of 1947), by the notification of the Government of India in the Ministry of Labour, No. L.R. 2(205), dated the 13th June 1949 ; or

(*b*) any award or decision of an industrial tribunal made with the consent of parties or from any settlement arrived at between the parties in the course of conciliation proceedings, whether before a conciliation officer or a conciliation board or any other authority or from any decision of an arbitrator appointed under any law with the consent of parties to settle the dispute.

8. *Constitution of Benches of the Appellate Tribunal.*—(1) The Chairman may constitute as many Benches of the Appellate Tribunal as may be deemed necessary for the purpose of carrying out the functions and exercising the powers of the Appellate Tribunal.

(2) Each Bench shall consist of not less than two members, of whom one may be appointed as the President of the Bench.

(3) A Bench shall sit at such place or places as may be specified by the Chairman by notification in the Official Gazette :

Provided that the Bench may, if it is satisfied that it will tend to the general convenience of the parties or witnesses in any particular case, sit at any other place.

(4) The Chairman may, from time to time, allot any case or any specified class of cases to any Bench and may also from time to time transfer any case or any specified class of cases from one Bench to another.

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9. *Powers and procedure of the Appellate Tribunal.*—(*1*) The Appellate Tribunal shall have the same powers as are vested in a civil court, when hearing an appeal, under the Code of Civil Procedure, 1908 (Act V of 1908).

(*2*) Without prejudice to the generality of the provisions contained in sub-section (1), the Appellate Tribunal may, after hearing the appellant, dismiss the appeal if, in its judgment, there is no sufficient ground for proceeding with the appeal and in such cases, the Appellate Tribunal shall briefly record its reasons for so doing.

(3) The Appellate Tribunal shall be deemed to be a civil court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898) and any proceeding before an Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indial Penal Code (Act XLV of 1860).

(*4*) The Appellate Tribunal may, if it so thinks fit, appoint, after consulting the parties to the dispute and the appropriate Government, one or more persons as assessors to advise it in any proceeding before it.

(*5*) The Appellate Tribunal shall, after hearing the appeal, pronounce its decision either at once or on some future date to which the appeal is adjourned for that purpose.

(*6*) The decision shall be in writing and signed by the members of the Appellate Tribunal hearing the appeal.

(*7*) The Appellate Tribunal may confirm, vary or reverse the award or decision appealed from and may pass such orders as it may deem fit, and where the award or decision is reversed or varied, the decision of the Appellate Tribunal shall state the reliefs to which the appellant is entitled.

(*8*) In the event of any difference of opinion among the members of a Bench, the opinion of the majority shall prevail, but where there is no such majority, the President of the Bench shall refer to the Chairman either the whole appeal or the particular point or points on which there has been difference of opinion among the members of the Bench and on such reference, the Chairman shall either hear the matter himself or transfer it to any other member and the decision thereon of the Chairman or the other member, as the case may be, shall prevail.

(*9*) The Appellate Tribunal shall send a copy of the decision to the industrial tribunal concerned and to the appropriate Government, as soon as practicable, within one week from the date of the decision.

(*10*) The Appellate Tribunal shall follow such procedure as may be prescribed, and subject thereto, it may, by order, regulate its practice and procedure and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), shall, so far as they are not inconsistent with this Act or the rule or orders made thereunder, apply to all proceedings before the Appellate Tribunal.

(*11*) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before the Appellate Tribunal shall be in the discretion of the Appellate Tribunal, and the Appellate Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid and to give all necessary directions for the purposes aforesaid, and such costs may be recovered in the manner provided for in sub-ssction (1) of section 20.

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10. *Limitation of filing appeals.*—An appeal under this Act may be preferred within thirty days—

(*i*) from the date of the publication of the award or decision, where such publication is provided for by the law under which that award or decision is made; or

(*ii*) from the date of making the award or decision, where there is no provision for such publication:

Provided that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

11. *Form of appeal.*—An appeal under this Act shall be presented in the form of a memorandum setting forth, concisely and under distinct heads, the grounds of objection to the award or decision appealed from.

12. *Presentation of appeal.*—An appeal under this Act against any award or decision of an industrial tribunal may be presented to the Appellate Tribunal by—

(*i*) any party which is aggrieved by the award or decision; or

(*ii*) the appropriate Government or the Central Government, where it is not the appropriate Government, whether or not such Government is a party to the dispute.

13. *Right of the Central Government and of the appropriate Government to appear before the Appellate Tribunal.*—The appropriate Government or the Central Government, where it is not the appropriate Government, may, whether or not such Government is a party to the appeal, appear in any proceeding before the Appellate Tribunal and thereupon, such Government shall have the right to be heard as if it were a party to that appeal.

14. *Stay of award or decision by the Appellate Tribunal.*—Where an appeal is preferred, the Appellate Tribunal may, after giving the parties an opportunity of being heard, stay, for reasons to be recorded, the implementation of the award or decision or any part thereof for such period and on such conditions as it thinks fit:

Provided that no such order for stay shall be made unless the Appellate Tribunal is satisfied that the implementation of the award or decision may have serious repercussions on the industry concerned or other industries or on the workmen employed in such industry or industries.

15. *Commencement of decision of the Appellate Tribunal.*—(*1*) The decision of the Appellate Tribunal shall be enforceable on the expiry of thirty days from the date of its pronouncement:

Provided that where the appropriate Government is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the decision, the appropriate Government may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject the decision or modify it.

(*2*) Where the appropriate Government rejects or modifies any decision under the proviso to sub-section (*1*), it shall, on the first available opportunity, lay that decision together with its reasons for rejecting the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

16. *Effect of decision of the Appellate Tribunal.*—Where on appeal from any award or decision of an industrial tribunal, the Appellate Tribunal modifies in any manner whatsoever that award or decision, the decision of the Appellate Tribunal

shall, when it becomes enforceable under section 15, be deemed to be substituted for the award or decision of the industrial tribunal and shall have effect for all purposes in the same manner and in accordance with the same law under which the award or decision of the industrial tribunal was made as if the industrial tribunal made the award or decision as modified by the decision of the Appellate Tribunal.

17. *Commencement and conclusion of appeal.*—An appeal before the Appellate Tribunal shall be deemed to have commenced on the date of the filing of the appeal and such appeal shall be deemed to have concluded on the date on which the decision of the Appellate Tribunal becomes enforceable under section 15.

CHAPTER III.

CERTAIN PROVISIONS RELATING TO INDUSTRIAL TRIBUNALS SET UP UNDER OTHER LAWS.

18. *Commencement of award or decision of Industrial Tribunal.*—(*1*) Subject to the provisions of this Act, the award or decision of any industrial tribunal shall, notwithstanding anything contained in any law, be enforceable on the expiry of thirty days—

(*i*) from the date of the publication of the award or decision, where such publication is provided for by the law under which that award or decision is made, or

(*ii*) from the date of making the award or decision, where there is no provision for such publication:

Provided that in cases where the award or decision is not appealable under this Act, and where the appropriate Government is a party to the dispute and is of opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the award or decision, it may, before the expiry of the said period of thirty days, by order in the Official Gazette, either reject or modify the award or decision.

(*2*) Where the appropriate Government rejects or modifies any award or decision under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award or decision together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(*3*) Subject to the provisions of sub-section (1) the award or decision of any industrial tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date on which that award or decision becomes enforceable under sub-section (*1*).

19. *Exclusion of certain period in the computation of the period of operation of any award or decision of Industrial Tribunal.*—In the computation of the period of operation of any award or decision of any industrial tribunal, the period during which the implementation of the award or decision is stayed by the Appellate Tribunal shall be excluded.

20. *Recovery of money due from an employer under an award or decision.*—(*1*) Any money due from an employer under any award or decision of an industrial tribunal may be recovered as arrears of land revenue or as a public demand by the appropriate Government on an application made to it by the person entitled to the money under that award or decision.

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(2) Where any workman is entitled to receive from the employer any benefit under an award or decision of an industrial tribunal which is capable of being computed in terms of money, the amount at which such benefit should be computed may, subject to the rules made under this Act, be determined by that industrial tribunal and the amount so determined may be recovered as provided for in sub-section (1).

(3) For the purpose of computing the money value of a benefit, the industrial tribunal may, if it so thinks fit, appoint a commissioner, who shall, after taking such evidence as may be necessary, submit a report to the industrial tribunal, and the said tribunal shall determine the amount after considering the report of the commissioner and other circumstances of the case.

21. *Maintenance of records by Industrial Tribunals.*—Every industrial tribunal shall, in respect of any case from which an appeal would lie under this Act, maintain, subject to the rules made under this Act, a record of the proceedings before it including the statements of parties and witnesses and relevant documents.

CHAPTER IV.

MISCELLANEOUS.

22. *Conditions of service, etc., to remain unchanged during a certain period.*—During the period of thirty days allowed for the filing of an appeal under section 10 or during the pendency of any appeal under this Act, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such appeal, the conditions of service applicable to them immediately before the filing of such appeal, or

(b) discharge or punish, whether by dismissal or otherwise, any workmen concerned in such appeal,

save with the express permission in writing of the Appellate Tribunal.

23. *Special provision for decision whether conditions of service, etc., changed during pendency of proceedings.*—Where an employer contravenes the provisions of section 22 during the pendency of proceedings before the Appellate Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Appellate Tribunal and on receipt of such complaint, the Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce its decision thereon and the provisions of this Act shall apply accordingly.

24. *Prohibition of strikes and lock-outs.*—Notwithstanding anything contained in any law for the time being in force, no workman who is employed in any industrial establishment shall go on strike and no employer of any such workman shall declare a lock-out—

(a) during the period of thirty days allowed for the filing of an appeal under section 10 ; or

(b) during the pendency of an appeal before the Appellate Tribunal.

25. *Illegal strikes and lock-outs.*—A strike or lock-out shall be illegal, if it is declared, commenced or continued in contravention of the provisions of section 24.

26. *Penalty for illegal strikes and lock-outs.*—(1) Any workman who commences, continues, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees. or with both.

(2) Any employer who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

27. *Penalty for instigation, etc.*—Any person who instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out, which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

28. *Penalty for giving financial aid to illegal strikes and lock-outs.*—Any person who knowingly expends or applies any money in furtherance or support of any strike or lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

29. *Penalty for other offences.*—(1) Any employer who contravenes the provisions of section 22 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees.

30. *Powers of the Appellate Tribunal in relation to contempts.*—(1) If any person—

(*a*) when ordered by an industrial tribunal or the Appellate Tribunal to produce or deliver up any document,, being legally bound, intentionally omits to do so, or

(*b*) when required by an industrial tribunal or the Appellate Tribunal to bind himself by an oath or affirmation to state the truth, refuses to do so, or

(*c*) being legally bound to state the truth on any subject to an industrial tribunal or the Appellate Tribunal, refuses to answer any question put to him touching such subject by such industrial tribunal or the Appellate Tribunal, or

(*d*) refuses to sign any statement made by him when required to do so by an industrial tribunal or the Appellate Tribunal, or

(*e*) intentionally offers any insult or causes any interruption to an industrial tribunal or the Appellate Tribunal at any stage of its judicial proceeding,

he shall be deemed to be guilty of contempt of such industrial tribunal or the Appellate Tribunal, as the case may be.

(2) If any person commits any act or publishes any writing, which is calculated to improperly influence an industrial tribunal or the Appellate Tribunal or to bring such industrial tribunal or the Appellate Tribunal or any member thereof into disrepute or contempt or to lower its or his authority, or to interfere with the lawful process of any such industrial tribunal or the Appellate Tribunal, such person shall be deemed to be guilty of contempt of such industrial tribunal or the Appellate Tribunal, as the case may be.

(3) The Appellate Tribunal shall have and exercise the same jurisdiction, power and authority, in accordance with the same procedure and practice, in respect of contempts of itself and of all the industrial tribunals as the High Courts have and

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exercise in respect of themselves and courts subordinate to them under the Contempt of Courts Act, 1926 (XX of 1926).

31. *Offence by companies, etc.*—Where a person committing an offence under this Act is a company, or other body corporate, or any association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent be deemed to be guilty of such offence.

32. *Cognizance of offences.*—(1) No court shall take cognizance of any offence punishable under this Act or of the abetment of any such offence, save on complaint made by or under the authority of the appropriate Government or by an officer empowered in this behalf by such Government, by a general or special order.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

33. *Representation of parties.*—(1) A workman who is a party to an appeal shall be entitled to be represented in any proceedings under this Act by—

(*a*) an officer of a registered trade union of which he is a member ;

(*b*) an officer of a federation of trade unions to which the trade union referred to in clause (*a*) is affiliated ;

(*c*) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in the industry in which the worker is employed and authorised in such manner as may be prescribed.

(2) Any employer who is a party to an appeal shall be entitled to be represented in any proceeding under this Act by—

(*a*) an officer of an association of employers of which he is a member ;

(*b*) an officer of a federation of associations of employers to which the association referred to in clause (*a*) is affiliated ;

(*c*) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Appellate Tribunal.

34. *Amendment of Act* XIV *of* 1947.—The Industrial Disputes Act, 1947 (XIV of 1947) shall be amended in the manner specified in the Schedule.

35. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which an appeal may be preferred and the form of appeal; the matters in respect of which the Appellate Tribunal may have jurisdiction ;

(*b*) the fees to be paid and the procedure to be followed in relation to such appeal ;

(c) costs, and the manner in which they may be recovered;

(d) the persons who may be appointed as commissioners under section 20; their powers and duties and the fees, if any, to be paid to the commissioners;

(e) the records to be maintained under section 21 and the manner in which they will be maintained;

(f) the manner in which workmen or employers may be represented before the Appellate Tribunal;

(g) any other matter which has to be or may be prescribed.

THE SCHEDULE.

(*See* Section 34).

AMENDMENTS TO THE INDUSTRIAL DISPUTES ACT, 1947 (XIV OF 1947).

1. For sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir."

2. After sub-section (6) of section 11, the following sub-sections shall be inserted, namely :—

"(7) Subject to the rules made under this Act, the cost of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal, and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid, and such costs may, on application made to it by the person entitled, be recovered as arrears of land revenue or as a public demand by the appropriate Government.

(8) Every Tribunal shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898)."

3. For section 15, the following section shall be substituted, namely :—

"15. *Duties of Tribunals.*—Where an industrial dispute has been referred to a Tribunal for adjudication, it shall hold its proceedings expeditiously and shall, as soon as practicable on the conclusion thereof, submit its award to the appropriate Government."

4. After section 17, the following section shall be inserted, namely :—

"17-A. *Commencement of the award.*—(1) The award of a Tribunal shall become enforceable on the expiry of thirty days from the date of its publication under section 17 :

Provided that in cases where the award is not appealable and where the appropriate Government is a party to the dispute and is of opinion that it will be inexpedient on public grounds to give effect to the whole or any part of the award, it may, before the expiry of the said period of thirty days; by order in the Official Gazette, either reject the award or modify it.

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(2) Where the appropriate Government rejects or modifies any award under the proviso to sub-section (1), it shall, on the first available opportunity, lay that award together with its reasons for rejecting or modifying the same before the Legislative Assembly of the State, or where the appropriate Government is the Central Government, before Parliament.

(3) Subject to the provisions of sub-section (1), the award of a Tribunal shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1)."

5. In section 18, for the words, brackets and figures "an award which is declared by the appropriate Government to be binding under sub-section (2) of section 15", the words "an award which has become enforceable" shall be substituted.

6. For sub-section (3) of section 19, the following sub-sections shall be substituted, namely :—

"(3) An award shall, subject to the provisions of this section, remain in operation for a period of one year:

Provided that the appropriate Government may reduce the said period and fix such period as it thinks fit:

Provided further that the appropriate Government may, before the expiry of the said period, extend the period of operation by any period not exceeding one year at a time as it thinks fit so, however, that the total period of operation of any award does not exceed three years from the date on which it came into operation.

(4) Where the appropriate Government, whether of its own motion or on the application of any party bound by the award, considers that since the award was made, there has been a material change in the circumstances on which it was based, the appropriate Government may refer the award or a part of it to a Tribunal for decision whether the period of operation should not, by reason of such change, be shortened and the decision of the Tribunal on such reference shall, subject to the provision for appeal, be final.

(5) Nothing contained in sub-section (3) shall apply to any award which by its nature, terms or other circumstances does not impose, after it has been given effect to, any continuing obligation on the parties bound by the award.

(6) Notwithstanding the expiry of the period of operation under sub-section (3), the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

(7) In the computation of the period of operation of an award under sub-section (3), the period during which the implementation of the award is stayed by the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, shall be excluded."

7. For section 33, the following section shall be substituted, namely :—

"33. *Conditions of service, etc., to remain unchanged during pendency of proceedings.*—During the pendency of any conciliation proceedings or proceedings before a Tribunal in respect of any industrial dispute, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

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(b) discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute,

save with the express permission in writing of conciliation officer Board or Tribunal, as the case may be."

8. After section 33, the following new section shall be inserted, namely :—

" 33A. *Special provision for adjudication as to whether conditions of service, etc. changed during pendency of proceedings.*—Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Tribunal and on receipt of such complaint that Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit its award to the appropriate Government and the provisions of this Act shall apply accordingly."

9. For section 30, the following section shall be substituted, namely :—

" 36. *Representation of parties.*—(1) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

(a) an officer of a registered trade union of which he is a member ;

(b) an officer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated ;

(c) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed.

(2) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

(a) an officer of an association of employers of which he is a member ;

(b) an officer of a federation of associations of employers to which the association referred to in clause (a) is affiliated ;

(c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Act or in any proceedings before a Court.

(4) In any proceeding before a Tribunal, a party to a dispute may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Tribunal."

K. V. K. SUNDARAM, *Secy.*

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PART IV

Section I-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.S. 714—L.W. 75-50-1, dated Bangalore, 31st May 1950.

In exercise of the powers conferred by sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), His Highness the Maharaja of Mysore is pleased to refer the dispute between the Management of the Bangalore Woollen, Cotton and Silk Mills Co., Ltd., Bangalore, and the Labour Association thereof, in respect of the workers' demands detailed in the annexure hereto, for adjudication, to the Industrial Tribunal constituted in Notification No. L.S. 675-85—L.W. 71-50-6, dated 30th May 1950.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Secretary to Government,
Law Department.

ANNEXURE.

I. WAGES.

1. (*a*) Increasing the basic minimum wage.

(*b*) Fixing the piece-work rate according to the quality of the cloth woven.

(*c*) Corresponding increase of wages in all other departments.

(*d*) Job classification, fixation of pay rates on the basis of individual skill and ability, and systematic promotions.

(*e*) Giving sufficient previous notice to workmen of any intended fixation of piece-work rates and paying wages on the basis of the average of three preceding months, during the experimental stage.

2 (*a*) Discontinuance of the existing practice of denying a worker on transfer the benefit of his own service, percentage and wages.

(*b*) Giving a worker acting in a higher paid job, the acting pay of such job along with the admissible allowance.

(*c*) Equal wage rates to male and female workers whenever their work is similar.

(*d*) Revision of the pay-scales of the clerks.

II. ALLOWANCES.

(*a*) Increased D.A. and payment of the same for full months instead of for the actual number of days of work.

(*b*) Increased allowance for work during Night Shift.

(*c*) Payment of a special allowance to workers engaged in Hazardous Occupations.

III. BONUS.

1. (*a*) Payment of the half-yearly bonus to workers who have not yet been allowed to draw it.

(*b*) Payment of Production Bonus in all the departments.

(*c*) Doubling of the amount of Good Piece Bonus in Cotton Weaving Department.

2. Payment of at least three months' bonus to all the workers.

3. Payment of a bonus at the rate of one month's pay for every year's service to all workers with long service but discharged as bein no longer required.

4. Restoration of payment of Book Bonus to all the employees.

IV. HOLIDAY.

1. *Holiday with Pay.*—(*a*) Strict enforcement of the Factories (First Amendment) Act, 1948, with retrospective effect from 28th January 1947 and publication of the leave scheme of the Mills and grant of holiday with pay as contemplated in the Act in addition to the existing privilege leave.

(*b*) Liberalisation of Privilege Leave Rules.

2. *Festival Holidays.*—(*a*) Increasing the number of festival holidays from 10 to 15 in the year, with Pay and Dearness Allowances.

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3. *Causal Leave (Ordinary Leave).*—Fixation of the strength of each department, group, or section, with a 10 per cent surplus in order to facilitate the grant of ordinary leave with D.L.A. on an average of 2½ to 3 days per month, and omitting in calculations relating thereto the percentage of sick leave and accident leave if any granted.

4. *Sick Leave.*—(*a*) Reinstatement of work-people discharged on medical grounds provided they are declared medically fit.

(*b*) Grant of sick leave on the authority of medical certificates granted by Registered Medical Practitioners or other competant authorities.

V. INDUSTRIAL WELFARE.

1. Provision of Dining Sheds for the work-people.
2. Provision of more satisfactory Cycle Sheds.
3. Provision of adequate shed or shelter for work-people waiting to be passed into the Mills for Night Shift.
4. Provision of an Industrial Canteen in accordance with the Mysore Factories (Second Amendment) Act, 1948.
5. Revival of supply of bread to work-people and improvement in the quality of Coffee supplied during Night Shift.
6. Improved treatment to work-people and their families in the Mill Dispensary.
7. Relieving the Mill Dispensary of work relating to sick leave.
8. Provision of protective garments for workmen engaged as fitters in all the Departments and men dealing with chemicals in the Dye House.
9. Adoption of some regular procedure in dealing with discharges through a Committee of Representatives of the Management and Labour.
10. Discontinuance of the system of permanently reducing the wages of workers, as a punishment, and restoration of workers already affected, to their previous scales.
11. Deciding on merits all cases relating to discharges under the 27-year Rule, unaccompanied by provision of alternative jobs for nearest relatives or grant of pension, etc.
12. Recruitment of Labour through Employment Exchange instead of by the Management direct.
13. Review of the policy of the Management in not recruiting women.
14. Provision of training facilities to recruits and confirmation of workers on completion of six months' service.
15. Provision of and strict adherence to incentives by way of promotions in all the departments, groups or sections.
16. Filling in a certain percentage of supervisory jobs by promoting deserving personnel from the rank and file.
17. Extension of facilities now accorded to the supervising staff to all existing jobbers and maistries also.
18. Introduction of a system of maintaining half-yearly confidential reports on the work, character and ability of persons and basing promotions to supervisory jobs upon such reports.
19. Giving early effect to a perfect line and staff organisation.

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20. Provision of washing facilities to workmen, oilers, fitters, etc., employed in Dye-House, Boilers' Section, Woollen Teasing, Woollen Milling and Mechanic Shop.

21. Housing facilities for all workmen, or alternatively, grant of suitable allowances.

22. Reduction of rent on Binnypet houses.

23. Giving the workers an insight to the funds created by pooling forefeited wages, the total forfeited amount of bonus, etc., and appropriating such funds for the social uplift of the work-people and not for the building of houses.

24. Publication of the wage rates.

25. Offering change of occupation for disabled workers and periodical review of such cases.

26. Grant of the compensatory holiday contemplated under section 35 of the Factories Act, as such, instead of mixing it up with any other intervening holiday.

27. An assurance of holding full and impartial enquiries against superior employees in all cases of excesses committed over the workers.

28. Payment of all wages and allowances due for each month before the 10th of the following month.

29. Stipulating terms of employment with a view to preventing the hardship and humiliation caused by the policy of recruiting unqualified Anglo-Indians to the supervisory grades of clerical posts.

30. Early arrangements for settling down permanent Day Shift of Cotton Weaving workers to alternative Day and Night Shifts with the permanent Night Shift workers.

31. Provision of transport facilities for employees who live far away from the Mills.

VI Social Welfare.

1. Better arrangements for the social uplift of workmen and their families.

2. (*a*) Laying down sustained plans relating to instructive films, education, technical training and school activities.

(*b*) More liberal provision of water and lighting.

(*c*) Provision of adequate bath and washing facilities at Binnypet.

(*d*) Restoring of the Primary School at Binnypet.

(*e*) Arrangements for adult education.

(*f*) Attitude of the Management with regard to the holiday due on the Independence Day.

VII. Miscellaneous.

1. Change of attitude on the part of the Management in the matter of facilitating the organisation of labour into one Association and removal of the obstacles placed by the Management in this and kindred matters.

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PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L.D. 586—Legis. 5-50-7, Bangalore, dated 29—30th May 1950.

Ordered that the accompanying Provisional State Legislatures (Casual Vacancies) Order 1950, published in the *Gazette of India*, dated the 20th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

New Delhi, the 20th May 1950. 221

S.R.O. 63.—The following Order made by the President is published for general information :—

THE PROVISIONAL STATE LEGISLATURES (CASUAL VACANCIES) ORDER, 1950.

C.O. 15.—In exercise of the powers conferred by clause (2) of article 388 of the Constitution of India and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Provisional State Legislatures (Casual Vacancies) Order, 1950.

(2) It shall come into force at once.

2. The General Clauses Act, 1897, shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. In this Order—

(*a*) "casual vacancy" means a casual vacancy in the seat of a member of a House of the Legislature of a State functioning under article 382 or article 385, whether such casual vacancy has arisen before or after the commencement of the Constitution ;

(*b*) "Election Commission" means the Election Commission constituted under article 324 ;

(*c*) "election law" means a law making any such provisions as are referred to in clause (2) of article 388 ;

(*d*) "incidental matters" means all matters in connection with the filling of casual vacancies, including the decision of doubts and disputes arising out of, or in connection with, such vacancies.

4. As from the commencement of this Order, all election laws shall, in their application to the filling of casual vacancies and incidental matters, be subject to the exceptions and modifications directed by this Order.

5. (1) Notwithstanding anything contained in any election law, the Election Commission shall appoint a person or persons, whether by name or designation, to be an Election Tribunal for the decision of doubts and disputes arising out of or in connection with, the filling of a casual vacancy.

(2) The power to dismiss an election petition for non-compliance with the provisions of an election law, or to condone delay in filing an election petition, or to allow an election petition to be withdrawn shall, until an Election Tribunal is appointed under sub-paragraph (1), be exercisable by the authority by which such power was exercisable immediately before the commencement of the Constitution :

Provided that no such power shall be exercised except in consultation with and in accordance with the opinion of the Election Commission.

(3) In all election laws, references, in whatever form of words, to the person or body of persons appointed to inquire into an election petition shall be construed as references to the Election Tribunal appointed under sub-paragraph (1) and references, in whatever form of words, to the President and members of such body

of persons shall be construed respectively as references to the President and members of the Election Tribunal appointed under sub-paragraph (1).

(4) Nothing in this paragraph shall apply to the decision of doubts and disputes arising out of, or in connection with, a primary election for the purpose of electing any candidate for a reserved seat or of constituting any electoral college in connection with the filling of a casual vacancy.

6. Except as provided in paragraph 5, and subject to the provisions of article 324, all powers exercisable by any authority under an election law immediately before the commencement of the Constitution shall, after such commencement, be exercisable by that authority.

7. In all election laws, references to British subjects shall be construed as references to citizens of India and Commonwealth citizens, and references to Rulers or subjects of an Acceding State or of an Indian State shall be omitted or construed as references to citizens of India as the context may require.

8. For the purpose of filling a casual vacancy in the seat of a member of the Legislative Assembly of West Bengal elected from a territorial or special constituency, the electoral roll of that constituency as it existed immediately before the commencement of the constitution shall be published in such manner and at such place in the constituency as the Governor of West Bengal may direct; and, notwithstanding anything in the election law, the electoral roll shall, upon such publication, be final and the validity of any such roll shall not be called in question in or by any court, tribunal or authority.

9. In Part I of the Table in the Fourth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, as subsequently amended, under the sub-heading "(ii) Rural", in the entry in the second column against the constituency Jalpaiguri-cum-Siliguri, after the words "Jalpaiguri district" the words "excluding municipal areas" shall be inserted.

10. The provisions of any election law in force in the State of Madhya Pradesh relating to the decision of doubts and disputes arising out of, or in connection with, elections to the Legislative Assembly of that State (including the provisions with respect to the persons by whom and the grounds on which election petition calling in question any such election may be entertained) shall, subject to such modifications as the Rajpramukh of the State of Madhya Bharat may, with the concurrence of the Election Commission, make, apply in relation to the decision of doubts and disputes arising out of, or in connection with the elections to fill casual vacancies in the Legislative Assembly of the State of Madhya Bharat.

11. (1) Notwithstanding anything contained in any election law, the General Clauses Act, 1897, shall apply for the interpretation of such law as it applies for the interpretation of a Central Act.

(2) All election laws shall be construed with such modifications as may be necessary for bringing them into accord with the provisions of the Constitution and of this Order.

12. If any difficulty arises in the application of any election law to the filling of casual vacancies or incidental matters, the President may, by order notified in the official Gazette, make such provisions as he considers necessary for the removal of such difficulty.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

No. L.D. 598—Legis. 6-50-4, dated Bangalore, 30th May 1950. 223

Ordered that the accompanying Notification No. S.R.O. 35, dated 8th May 1950, of Ministry of Home Affairs under Registration of Foreigners Rules, 1939, published in the *Gazette of India*, dated the 13th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF HOME AFFAIRS.

NOTIFICATION.

New Delhi, the 8th May 1950.

No. S.R.O. 35.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President is pleased to entrust to the Governments of Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin, with their consent, the functions of the Central Government under rule 3 of the Registration of Foreigners Rules, 1939.

No. L.S. 675-85—L.W. 71-50-6, dated Bangalore, the 30th May 1950.

In exercise of the powers conferred by sub-section (1) of Section 7 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) His Highness the Maharaja of Mysore is pleased to constitute an Industrial Tribunal for the adjudication, in accordance with the provisions of the said Act, of certain existing industrial disputes, and to appoint the following persons as the Chairman and Members of the said Tribunal:—

1. *Adl-ul-Mulk* C. Abdul Ghani, B.A., B.L. (Retired Judge, High Court of Mysore) ... ... *Chairman.*
2. *Rajadharmaprasakta* A. R. Nageswara Iyer, B.A., B.L. (Retired Judge, High Court of Mysore),
3. *Rajadharmaprasakta* T. Singaravelu Mudaliar, B.A., B.L. (Retired Judge, High Court of Mysore).

} *Members.*

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And, under sub-section (1) of section 10 of the said Act, His Highness the Maharaja of Mysore is also pleased to refer the undermentioned disputes to the said Tribunal for adjudication :—

(1) *Re* **The Mysore Vegetable Oil Products, Ltd., Bangalore.**

(*a*) The workers' demand for—

(i) an enhancement of the present scales of Dearness Allowance with reference to the rise in the Cost of Living Index; and

(ii) giving effect to the enhanced scales of Dearness Allowance from 1st July 1949.

(2) *Re* **Sri Krishnarajendra Mills, Ltd., Mysore.**

(*a*) The workers' demand for increased wages of piece-workers and daily workers; confirmation of temporary workers with six months' service or more; change in the mode of calculation of Dearness Allowance and giving effect thereto from 1st March 1950, and increased rates to certain piece-workers who weave long-cloth with effect from the date on which certain looms started working; and

(*b*) The Management's proposal to discontinue payment of Attendance Bonus with effect from 1st March 1950, in modification of an Agreement, dated 6th July 1949, and to limit the working of the Mills to only one shift or, alternatively, to work both shifts for only three days in a week with effect from 1st March 1950.

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. T. 1336—R.T. 5-50-1, dated Bangalore, 25th May 1950.

In exercise of the powers conferred by section 39 of the Mysore Motor Vehicles and Road Traffic Act, 1944, (Mysore Act No. XXVII of 1944), and in modification of notifications Nos. T. 1347—R.T. 25-45-2, dated the 15th November 1945, T. 3389—R.T. 25-45-4, dated the 27th May 1946, T. 4353—R.T. 37-47-3, dated the 20th May 1948, T. 2322—R.T. 12-48-4, dated the 17th December 1948 and T. 5596—R.T. 12-48-9, dated the 4th May 1949, His Highness the Maharaja of Mysore is pleased to fix the maximum fares in respect of all stage carriages plying in Mysore State at 8 (eight) pies per mile per passenger for the first fifty miles of the journey and at 6 (six) pies per mile per passenger thereafter and to fix the minimum fares in respect of the said carriages at 5 (five) pies per mile for railway competition routes and at 4 (four) pies for ordinary routes :—

Provided that in respect of stage carriages of the Bangalore Transport Company plying within the limits of the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, the maximum fares shall be as follows, the minimum fare being one anna :—

(1) One anna for the first mile,

(2) Nine pies for the second mile,

(3) Six pies for the third and subsequent miles,

allowing a rounding off of fraction of an anna to the nearest anna.

Example : One anna nine pies and two annas three pies may be rounded off to *two annas* and two annas nine pies and three annas three pies to *three annas*, etc.,

Provided further that the maximum fare in respect of malnad roads shall be 9 (nine) pies per mile per passenger.

The charging of fares at the rates exceeding the maxima fixed by this notification will render the owner, conductor and the driver of the stage carriage punishable under section 113 of the Mysore Motor Vehicles and Road Traffic Act, 1944.

His Highness the Maharaja is also pleased to direct that the Notification be published in the *Mysore Gazette*, for the information of all concerned.

By Order of His Highness the Maharaja,

No. L. 2343 (a)—C.M. 31-50-2, dated Bangalore, 27th May 1950.

In exercise of the powers conferred by clause (C) of Section 438 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act No. LXIX of 1949) read with Section 21 of the General Clauses Act, 1899, and in modification of Notification No. L. 10005—C.M. 57-49-15, dated 22nd March 1950, the Rajpramukh of Mysore. His Highness the Maharaja is pleased to direct that the terms of the offices of the Mayor, Deputy Mayor, Councillors and Members of the Standing Committee of the Corporation of the City of Bangalore referred to in clause (*a*) and (*b*) of the said section be extended till the NOON of 1st January 1951.

By Order of His Highness the Maharaja,

L. MUNISWAMY,
Secretary to Government,
Local Self-Government Department.

No. S.D. 1364—C. 18-50-6, dated Bangalore, the 24—25th May 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to make the following Order, and direct with reference to Rule 119 of the said Rules that notice of the

Order shall be given by publication in the *Mysore Gazette* and by the issue of a Press Note, namely :—

1. (*a*) This Order may be called the Wheat-flour (use in paste-making) (Prohibition) Order, 1950.

(*b*) It extends to the whole of Mysore.

(*c*) It shall come into force at once.

2. In this Order, " wheat-flour " includes *atta* and *maida*.

3. No person shall use edible wheat-flour in the manufacture of paste.

4. Any Officer authorised by the Director of Food Supplies in Mysore in this behalf may, with a view to securing compliance with this Order, enter and search, or authorise any person to enter and search, any premises where paste is manufactured.

By Order of His Highness the Maharaja.

No. S.D. 1453—C. 73-49-135, dated Bangalore, 29th May 1950.

In exercise of the powers conferred by Rules 75-A, 75-B, and Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions(Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Articles of Food Acquisition (Harvest) Order, 1949, namely :—

At the end of the proviso to sub-clause (1) of Clause 17 of the said Order, the following words, brackets and figure shall be added, namely :—

" or (3) of foodgrains under and in accordance with Military Credit Notes " .

Government further direct with reference to rule 119 of the said Rules that notice of this amendment shall be given by publication of the same in the *Mysore Gazette*.

Clause 17 (1) after amendment reads as follows :—

" 17 (1). All movement or transport of foodgrains from one place to another is prohibited except when such movement is authorised by a permit issued for the purpose by a competent authority appointed by Government:

Provided that nothing in this sub-clause shall apply to the movement or transport (1) from one non-rationed area to another non-rationed area within the State, of foodgrains not exceeding ten seers in all by a *bona fide* traveller as part of his luggage for his personal consumption or for his family, or (2) from one rationed area to another rationed area or to any non-rationed area within the State or *vice versa* of foodgrains not exceeding two seers per adult and one seer per child below eight years of age for *bona fide* personal consumption, or (3) of foodgrains under and in accordance with Military Credit Notes".

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Food and Agriculture Departments.

No. L.S. 648—LW. 20-50-7, dated Bangalore, the 25th May 1950.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (11 of 1948) His Highness the Maharaja of Mysore is pleased to exempt from the provisions of Section 11(1) of the said Act, all Shops licensed under the Mysore Excise Act, excepting 'Bars' which will continue to be governed by this Act and Rules thereunder.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

No. FL. 1751—S.T. 8-50-3, dated Bangalore, 26th May 1950.

In exercise of the powers conferred by sub-section (1) of Section 9 of the Motor Spirit (Taxation on Sales) Act, 1949 (Mysore Act No. XLIX of 1949), His Highness the Maharaja of Mysore is pleased to authorise every officer of the Sales Tax Department not below the rank of an Assistant Sales Tax Officer, every officer of the Excise Department not below the rank of an Excise Inspector, every officer of the Police Department not below the rank

of an Inspector and every officer of the Land Revenue Department not below the rank of an Amildar, to inspect all accounts and vouchers relating to stocks, purchases, sales and deliveries of Motor Spirit kept by importers, wholesale dealers and retail dealers and the stocks of motor spirit with them.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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The Mysore Gazette

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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L. D. 644—Legis. 2-50-21, dated Bangalore, the 31st May—1st June 1950.

Ordered that the accompanying Voluntary Surrender of Salaries (Exemption from Taxation) Ordinance, 1950 (Ordinance No. XV of 1950), published in the *Gazette of India*, dated the 26th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

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THE VOLUNTARY SURRENDER OF SALARIES (EXEMPTION FROM TAXATION) ORDINANCE, 1950.

ORDINANCE No. XV OF 1950.

An Ordinance to the provide for exempting from taxes on income a portion of the salaries of certain persons who have in the public interest volunteered to forego it.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by clause (*1*) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement.—(*1*) This Ordinance may be called the Voluntary Surrender of Salaries (Exemption from Taxation) Ordinance, 1950.

(2) It shall come into force at once.

2. Exemption from taxes on income in respect of salaries surrendered by certain persons.—(*1*) Notwithstanding anything contained in the Indian Income-tax Act, 1922 (XI of 1922), or in any other law for the time being in force relating to taxation on income, no income-tax or super-tax shall be payable by any person specified in sub-section (2) of this section in respect of that part of the salary due to him under law for any period after the 31st day of October, 1949, which that person has, by declaration in writing, volunteered to forego in the public interest; and that part of the salary shall not be included in his total income for the purposes of any law relating to taxation on income.

(2) The persons referred to in sub-section (1) are—

(*a*) the President of India;

(*b*) the Ministers, Ministers of State and Deputy Ministers of the Dominion or of the Union;

(*c*) the President of the Dominion Legislature;

(*d*) the Speaker and Deputy Speaker of the Dominion Legislature or of Parliament;

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(*e*) the Judges of the Federal Court or of the Supreme Court;

(*f*) the Auditor-General of India or the Comptroller and Auditor-General of India;

(*g*) the Governors of Provinces or of Part A States;

(*h*) the Ministers and Deputy Ministers of States;

(*i*) the Speakers and Deputy Speakers of the Legislative Assemblies of States;

(*j*) the Chairmen and Deputy Chairmen of the Legislative Councils of States;

(*k*) the Judges of the High Courts for Governors' Provinces or for Part A States.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

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at the Government Press, Bangalore.

PART IV 233

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L. D. 599—Legis. 6-50-5, dated Bangalore, 30th May 1950.

Ordered that the accompanying Notification No. S. R. O. 45 dated 4th May, 1950 of the Ministry of Works, Mines and Power published in the *Gazette of India*, dated 13th May, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF WORKS, MINES AND POWER

NOTIFICATION

New Delhi, the 4th May 1950

S. R. O. 45.—In pursuance of sub-section (3) of section 1 of the Explosives (Temporary Provisions) Act, 1949 (LV of 1949)), the Central Government is pleased to appoint the 15th May 1950 as the date on which the said Act shall come into force.

B. B. PAYMASTER, Dy. Secy.

(2) *On Gate-passes.*—Where deliveries from the store-room are frequent and numerous, and the manufacturer maintains a sufficient credit in his account-current for payment of duty, the Collector may, at his direction, and by an order in writing, permit deliveries on presentation of a Gate-Pass as prescribed in Rule 52-A and subject to the following procedure—

(i) The manufacturer shall prepare the Gate-Pass in accordance with Rule 52-A and deliver it to the Factory Officer at least one hour before the actual removal of the goods from the factory.

(ii) The Factory Officer shall verify the goods with reference to the description shown on the copies of the Gate-Pass, countersign all the copies, and return them to the manufacturer and permit clearance.

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(iii) The manufacturer shall retain the duplicate copy of the Gate-Pass for his own use, and transport the goods under cover of the original and the triplicate copies thereof, to the Factory gate where the Central Excise guard shall make an outward inspection, and if satisfied shall allow the goods to proceed retaining the triplicate *copy for cancellation* and delivery to the Factory Officer.

(iv) If deliveries from the store-room take place in whole wagon loads, the Factory Officer shall check the contents thereof with particulars shown in the copies of the Gate-Pass, and cause the doors of the wagon to be secured and sealed in his presence and permit clearance. The Central Excise guard shall retain the triplicate copy of the Gate-pass for cancellation and delivery to the Factory Officer.

(v) The original copy of the Gate-Pass shall accompany the bill invoice, consignment note or the Railway Receipt, as the case may be, relating to the goods, to destination.

(vi) At the end of the day, and, in any case not later than the following morning, the manufacturer shall submit to the Factory Officer an application in Form A-R.-1, in triplicate showing the prescribed particulars and the operation number of the cigarettes cleared during the day. The Factory Officer shall compare the entries shown in the application with the triplicate copies of the Gate-Passes received from the Central Excise guard, and if found in order, complete the assessment memorandum.

II. In sub-paragraph (iii) of paragraph 15, for the word and letter "Appendix H", the word and letter "Appendix G" shall be substituted.

III. Appendix "G" shall be deleted and Appendix "H" shall be renumbered as "G".

W. SALDANHA, Under Secy.

NOTIFICATION.

No. L. D. 600—Legis. 4-50-15, dated Bangalore, 30th May 1950.

Ordered that the accompanying Further Amendments to the Supplementary Instructions (Manufacture of Cigarettes), Notification No. S. R. O. 42 of 13th May 1950 of the Ministry of Finance (Revenue Division)—Central Excises, published in the *Gazette of India*, dated the 13th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

New Delhi, the 13th May 1950. 235

S. R. O. 42.—In pursuance of rule 233 of the Central Excise Rules, 1944, the Central Board of Revenue directs that the following further amendments shall be made in the Supplementary Instructions (Manufacture of Cigarettes), 1948, namely :—

In the said Instruction—

I. for paragraph 13, the following shall be substituted, namely—

" 13. *Deliveries from store-room*—

(1) *On Form A.R.-1.*—The manufacturer shall in addition to the particulars required in Form A.R.-1, quote thereon the operation number of the cigarettes sought to be cleared."

NOTIFICATION.

No. L. D. 601—Legis. 4-50-16, dated Bangalore, 30th May 1950.

Ordered that the accompanying Further Amendments to the Indian Telegraph Rules, 1932 published in the *Gazette of India*, dated the 13th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

NOTIFICATION

POST AND TELEGRAPHS

New Delhi, the 5th May 1950

S. R. O. 44.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

In the said Rules,—

(1) in rules 8 and 177, the word " Afghanistan " shall be omitted ;

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(2) in rule 78, the word "telegrams for delivery in Afghanistan and" shall be omitted;

(3) rule 79 shall be omitted;

(4) in rule 81, for the words and figures "rules 78 and 79", the word and figure "rule 78" shall be substituted;

(5) in rule 111 after the word "Burma" the words "in Pakistan" shall be inserted;

(6) in clause (i) of rule 123, for the words "or Afghanistan" the words "or Pakistan" shall be substituted;

(7) in rule 141, the words "Afghanistan or" shall be omitted;

(8) in clause (i) of rule 158, the words "Afghanistan or" shall be omitted.

(No. R-2-1/50).

K. V. VENKATACHALAM, Dy. Secy.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS.

NOTIFICATIONS.

No. L.B. 2585—L.B. 28-50-1, dated Bangalore, 31st May 1950.

In exercise of the powers conferred by clause (1) of Section 3 of the Mysore District Boards Act, 1926, (Mysore Act III of 1926), His Highness the Maharaja of Mysore, is pleased to direct that Notification No. L.B. 11208—L.B. 81-48-2, dated 22nd June 1949, published in Part IV of the *Mysore Gazette*, dated 30th June 1949, shall be cancelled.

By Order of His Highness the Maharaja,

No. T. 1607—R. T. 1-49-40, Bangalore, dated 5th June 1950.

In exercise of the powers conferred by Sections 83 and 92 of Mysore Motor Vehicles and Road Traffic Act 1944, His Highness the Maharaja is pleased to exempt the following Motor Vehicles belonging to the Coorg Administration from payment of Taxes and tolls leviable in Mysore under the said Act for the year 1950-51 :—

Lorry No. CGA. 372.
Lorry No. CGA. 545.

By Order of His Highness the Maharaja,

L. MUNISWAMY,
Secretary to Government,
Local Self-Government Department.

No. A.F. 1960—Mart. 5-50-2, dated Bangalore, 29th May 1950.

The following draft amendments to the Mysore Agricultural Produce Markets Rules, 1947, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 6 of the Mysore Agricultural Produce Markets Act, 1939, (Mysore Act No. XVI of 1939), are hereby published for the information of persons likely to be affected thereby as required by sub-section (4) of the said section.

Notice is hereby given that objections or suggestions, if any, may be forwarded for consideration to the Secretary to Government of Mysore, Food and Agriculture Departments, Bangalore, within fifteen days from the date of publication of this notification in the *Mysore Gazette*. Objections or suggestions not received within the said period will not be considered.

Draft Amendment.

For Rule 46 of the said Rules, the following Rule shall be substituted namely.—

"*46. Fees to be levied.*—The following fees shall be levied in the Market proper on merchandise brought into the Market for sale.—

(1) For every sack of Agricultural Produce ...	Six pies.
(2) For every cart laden with Agricultural Produce not in sacks but loose.	Four annas.
(3) For every Motor Lorry bringing in Agricultural Produce not in sacks, but loose.	One rupee and eight annas
(4) For every Andige of ginned or unginned cotton weighing about 10 to 15 Maunds..	Two annas.
(5) For every Andige of chillies weighing about 5 to 7 Maunds.	One anna and six pies.
(6) If Agricultural Produce is brought by Rail or otherwise not in sacks or Andiges but loose by conveyances other than bullock carts and Motor lorries for every 6 maunds.	One anna."

By Order of His Highness the Maharaja,

No. A.F. 1961—Mart. 16-49-8, dated Bangalore, the 29th May 1950.

In Notification No. A.F. 1139—Mart. 16-49-7, dated 3rd May 1950, declaring the areas to be served by the Regulated Market at Shimoga (published in the *Mysore Gazeite*, Part IV—2-B., page 186, dated 11th May 1950), add "Kadur" to the list of Taluks noted under "Chickmagalur District".

By Order of His Highness the Maharaja,

No. A.F. 1962—Mart. 23-49-3, dated Bangalore, 29th May 1950.

In exercise of the powers conferred by sub-section (1) of Section 6 of the Mysore Agricultural Produce Markets Act, 1939 (No. XVI of 1939) His Highness the Maharaja of Mysore, is pleased to make the following further amendments to the Mysore Agricultural Produce Markets Rules, 1947, the draft of the same having been previously published at pages 116 and 117, Part IV of the *Mysore Gazette*, dated 16th March 1950, as required by the said section:—

Amendments.

1. In rule 13 of the said Rules, for the word "Special" the word "Ordinary" shall be substituted and the words "convened for the purpose" shall be omitted.

2. In rule 38 of the said Rules, for the word "Chairman" where it occurs for the first time the word "Secretary" shall be substituted.

3. In sub-rule (2) of rule 39 of the said Rules, for the word "Chairman" the word "Secretary" shall be substituted.

4. In rule 67 of the said Rules, for the words "duly licensed weighmen or measurers" the words "weighmen and measurers appointed or licensed by the committee" shall be substituted.

5. In rule 68 of the Rules,

(*a*) in sub-rule (1)—

(i) after the words "licensed to practice" the words "or appointed" shall be inserted;

(ii) after the words "shall be given a license" the words "or be appointed" shall be inserted; and

(iii) for the words and figure "a fee of Rs. 5" the words "a fee of fifteen rupees" shall be substituted.

(b) in sub-rule (2)—

(i) after the words "the number of licensed" the words "or appointed" shall be inserted; and

(ii) after the words "practised as a licensed" the words "or appointed" shall be inserted;

(c) In sub-rule (4) after the words "licensed" wherever it occurs the words "or appointed" shall be inserted.

6. Rule 69 of the said Rules shall be numbered as sub-rule (1) of that rule and in the sub-rule as so numbered, after the word "licensed" the word "appointed" shall be inserted, and the words "without a license or" shall be omitted; and after the said sub-rule, the following sub-rule shall be added, namely;

"(2) Any person other than a person appointed under rule 67 as weighman or measurer by the committee, who practises in the market as weighman or measurer without a license shall be punishable with a fine which may extend to Rs. 50".

7. In rules 71 and 73 of the said Rules, after the word "licensed" wherever it occurs the words "or appointed" shall be inserted.

By Order of His Highness the Maharaja,

No. A.F. 1963—Mart. 7-50-2, dated Bangalore, 29th May 1950.

In exercise of the powers conferred by Section 4 (2) of the Mysore Agricultural Produce Markets Act, 1939 (XVI of 1939), His Highness the Maharaja of Mysore is pleased to declare the taluks of Davangere, Harihar, Jagalur, Holalkere, Hosadurga, Honnali and Channagiri as the area to be served by the "Market" constituted under Notification No. A.F. 3424—Mart. 14-48-2 dated 13th December 1948.

By Order of His Highness the Maharaja,

No. S.R. 1257—W. & M. 4-50-3, dated Bangalore, 2nd June 1950.

In exercise of the powers conferred by Section 3 of the Mysore Weights and Measures Act No. III of 1902 as amended by the Acts Nos. IX of 1927 and XLIX of 1943, His Highness the Maharaja of Mysore, is pleased to direct that newly certified weights and measures of capacity shall be used in all dealings and contracts within the areas

of the undermentioned places with effect from the date of notification :—

1. Yelahanka.
2. Doddballapur.
3. Devanhalli.
4. Vadigenahalli.
5. Krishnarajapura.
6. Madivala.
7. Hoskote.
8. Anekal.
9. Maddur.
10. Malvalli.
11. Nagamangala.
12. Krishnarajapet.
13. Hunsur.
14. Periapatna.
15. Gundlupet.
16. T. Narasipur
17. Yelandur.
18. Goribidnur.
19. Gudibanda.
20. Bagepalli.
21. Mulbagal.
22. Chiknayakanhalli.
23. Turuvekere.
24. Pavagada.
25. Madakasira.
26. Arakalgud.
27. Belur.
28. Sravanabelagola.
29. Shantigrama.
30. Narasimharajapur.
31. Koppa.
32. Sringeri.
33. Balehonnur.
34. Harihar.
35. Molakalmur.
36. Jagalur.
37. Chennagiri.
38. Hosadurga.
39. Jog.
40. Ayyanur.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agriculture Departments.

No. L.S. 746—Lw. 20-53-8, dated Bangalore, 3rd June 1950.

In exercise of the powers conferred by Section 6 of the Mysore Shops and Establishments Act, 1948 (Mysore Act II of 1948), His Highness the Maharaja of Mysore, is pleased to exempt all petrol bunks, storage depots for petrol and other petroleum products from the provisions of Chapters II and III of the said Act other than the provisions of Sections 11 (2) and 16 (1) of the said Chapters.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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BANGALORE, THURSDAY, JUNE 1, 1950.

PART IV

Section I-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.S. 714—L.W. 75-50-1, dated Bangalore, 31st May 1950.

In exercise of the powers conferred by sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), His Highness the Maharaja of Mysore is pleased to refer the dispute between the Management of the Bangalore Woollen, Cotton and Silk Mills Co., Ltd., Bangalore, and the Labour Association thereof, in respect of the workers' demands detailed in the annexure hereto, for adjudication, to the Industrial Tribunal constituted in Notification No. L.S. 675-85—L.W. 71-50-6, dated 30th May 1950.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Secretary to Government,
Law Department.

ANNEXURE.

I. WAGES.

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1. (*a*) Increasing the basic minimum wage.

(*b*) Fixing the piece-work rate according to the quality of the cloth woven.

(*c*) Corresponding increase of wages in all other departments.

(*d*) Job classification, fixation of pay rates on the basis of individual skill and ability, and systematic promotions.

(*e*) Giving sufficient previous notice to workmen of any intended fixation of piece-work rates and paying wages on the basis of the average of three preceding months, during the experimental stage.

2 (*a*) Discontinuance of the existing practice of denying a worker on transfer the benefit of his own service, percentage and wages.

(*b*) Giving a worker acting in a higher paid job, the acting pay of such job along with the admissible allowance.

(*c*) Equal wage rates to male and female workers whenever their work is similar.

(*d*) Revision of the pay-scales of the clerks.

II. ALLOWANCES.

(*a*) Increased D.A. and payment of the same for full months instead of for the actual number of days of work.

(*b*) Increased allowance for work during Night Shift.

(*c*) Payment of a special allowance to workers engaged in Hazardous Occupations.

III. BONUS.

1. (*a*) Payment of the half-yearly bonus to workers who have not yet been allowed to draw it.

(*b*) Payment of Production Bonus in all the departments.

(*c*) Doubling of the amount of Good Piece Bonus in Cotton Weaving Department.

2. Payment of at least three months' bonus to all the workers.

3. Payment of a bonus at the rate of one month's pay for every year's service to all workers with long service but discharged as bein no longer required.

4. Restoration of payment of Book Bonus to all the employees.

IV. HOLIDAY.

1. *Holiday with Pay.*—(*a*) Strict enforcement of the Factories (First Amendment) Act, 1948, with retrospective effect from 28th January 1947 and publication of the leave scheme of the Mills and grant of holiday with pay as contemplated in the Act in addition to the existing privilege leave.

(*b*) Liberalisation of Privilege Leave Rules.

2. *Festival Holidays.*—(*a*) Increasing the number of festival holidays from 10 to 15 in the year, with Pay and Dearness Allowances.

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3. *Causal Leave (Ordinary Leave).*—Fixation of the strength of each department, group, or section, with a 10 per cent surplus in order to facilitate the grant of ordinary leave with D.L.A. on an average of 2½ to 3 days per month, and omitting in calculations relating thereto the percentage of sick leave and accident leave if any granted.

4. *Sick Leave.*—(*a*) Reinstatement of work-people discharged on medical grounds provided they are declared medically fit.

(*b*) Grant of sick leave on the authority of medical certificates granted by Registered Medical Practitioners or other competant authorities.

V. Industrial Welfare.

1. Provision of Dining Sheds for the work-people.
2. Provision of more satisfactory Cycle Sheds.
3. Provision of adequate shed or shelter for work-people waiting to be passed into the Mills for Night Shift.
4. Provision of an Industrial Canteen in accordance with the Mysore Factories (Second Amendment) Act, 1948.
5. Revival of supply of bread to work-people and improvement in the quality of Coffee supplied during Night Shift.
6. Improved treatment to work-people and their families in the Mill Dispensary.
7. Relieving the Mill Dispensary of work relating to sick leave.
8. Provision of protective garments for workmen engaged as fitters in all the Departments and men dealing with chemicals in the Dye House.
9. Adoption of some regular procedure in dealing with discharges through a Committee of Representatives of the Management and Labour.
10. Discontinuance of the system of permanently reducing the wages of workers, as a punishment, and restoration of workers already affected, to their previous scales.
11. Deciding on merits all cases relating to discharges under the 27-year Rule, unaccompanied by provision of alternative jobs for nearest relatives or grant of pension, etc.
12. Recruitment of Labour through Employment Exchange instead of by the Management direct.
13. Review of the policy of the Management in not recruiting women.
14. Provision of training facilities to recruits and confirmation of workers on completion of six months' service.
15. Provision of and strict adherence to incentives by way of promotions in all the departments, groups or sections.
16. Filling in a certain percentage of supervisory jobs by promoting deserving personnel from the rank and file.
17. Extension of facilities now accorded to the supervising staff to all existing jobbers and maistries also.
18. Introduction of a system of maintaining half-yearly confidential reports on the work, character and ability of persons and basing promotions to supervisory jobs upon such reports.
19. Giving early effect to a perfect line and staff organisation.

20. Provision of washing facilities to workmen, oilers, fitters, etc., employed in Dye-House, Boilers' Section, Woollen Teasing, Woollen Milling and Mechanic Shop.

21. Housing facilities for all workmen, or alternatively, grant of suitable allowances.

22. Reduction of rent on Binnypet houses.

23. Giving the workers an insight to the funds created by pooling forefeited wages, the total forfeited amount of bonus, etc., and appropriating such funds for the social uplift of the work-people and not for the building of houses.

24. Publication of the wage rates.

25. Offering change of occupation for disabled workers and periodical review of such cases.

26. Grant of the compensatory holiday contemplated under section 35 of the Factories Act, as such, instead of mixing it up with any other intervening holiday.

27. An assurance of holding full and impartial enquiries against superior employees in all cases of excesses committed over the workers.

28. Payment of all wages and allowances due for each month before the 10th of the following month.

29. Stipulating terms of employment with a view to preventing the hardship and humiliation caused by the policy of recruiting unqualified Anglo-Indians to the supervisory grades of clerical posts.

30. Early arrangements for settling down permanent Day Shift of Cotton Weaving workers to alternative Day and Night Shifts with the permanent Night Shift workers.

31. Provision of transport facilities for employees who live far away from the Mills.

VI Social Welfare.

1. Better arrangements for the social uplift of workmen and their families.

2. (*a*) Laying down sustained plans relating to instructive films, education, technical training and school activities.

(*b*) More liberal provision of water and lighting.

(*c*) Provision of adequate bath and washing facilities at Binnypet.

(*d*) Restoring of the Primary School at Binnypet.

(*e*) Arrangements for adult education.

(*f*) Attitude of the Management with regard to the holiday due on the Independence Day.

VII. Miscellaneous.

1. Change of attitude on the part of the Management in the matter of facilitating the organisation of labour into one Association and removal of the obstacles placed by the Management in this and kindred matters.

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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L. D. 667—Legis. 5-50-8, dated Bangalore the 6th—9th June 1950.

Ordered that the accompanying Constitution (Removal of Difficulties) Order No. IV, published in the *Gazette of India*, dated the 26th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary,
to Government, Law Department.

MINISTRY OF LAW

2U7

New Delhi, the 24th May, 1950.

S. R. O. 64.—The following Order made by the President is published for general information ;—

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER No. IV.

C. O. 16.—In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order No. IV.

(2) It shall be deemed to have come into force on the twenty-sixth day of January 1950.

2. The Second Schedule to the Constitution of India shall have effect subject to the following adaptations :—

(1) In sub-paragraph (3) of paragraph 9, for the words "the salary which he was drawing immediately before such commencement" the words "the salary payable to the Chief Justice or, as the case may be, any other Judge of the Federal Court immediately before such commencement" shall be substituted.

(2) In sub-paragraph (2) of paragraph 10, for all words after clause (*b*) the following shall be substituted :—

> "shall, in respect of time spent on actual service as such Chief Justice or other Judge, as the case may be, be entitled to receive in addition to the salary specified in sub-paragraph (1) of this paragraph as special pay the amount, if any, by which that salary falls short of the salary payable to the Chief Justice, or, as the case may be, any other Judge, of the High Court in the Province immediately before such commencement."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM, *Secy.*

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PART IV

Section 1-C.

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NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

(HOME DEPARTMENT).

No. H. 2446—Pol. 86-50-2, dated Bangalore, the 8th June 1950.

The following Notification No. 9-24-50—Police (i) dated the 27th May 1950 from the Government of India, Ministry of Home Affairs is republished for general information:

"In exercise of the powers conferred by section 17 of the Indian Arms Act, 1878 (XI of 1878) the Central Government is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely:—

"In the said Rules—

"A. In sub-rules (i) of rule 33:—

(i) after clause (a) the following clause shall be inserted, namely;—

'(aa) in the States of Manipur, Bhopal, Tripura and Vindhya Pradesh—by the Chief Commissioner",

(ii) for clause (c) the following clause shall be substituted, namely:—

'(c) in the case of a person residing in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin by the Chief Secretary to the Government of the State concerned.'

(iii) In clause (b) of sub-rule (2), for the words "a Political Agent' the following words shall be substituted, namely:—

'the Chief Secretary or the Chief Commissioner concerned'.

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B. In Schedule VI.—

For entries (11), (11-A), (11-B) and (11-C) the following entries shall be substituted, namely :—

11. (i) The political Agent in Sikkim.	The States with which he is in political relations and any territory within his administrative control.	(a) No licence shall be granted for the export of (i) cannon, or (ii) military stores of any kind other than Sulphur, or chlorates when required for the manufacture of matches, Bengal lights and paper caps for toy pistols, or (iii) save as hereinafter provided, such rifles, muskets, pistols or revolvers as are specified in clause (a) of sub-rule (1) of rule 7 or (iv) save as hereinafter provided, ball ammunition which can be fired from rifles of ·303 or ·450 bore or 8 m.m. calibre or from muskets of ·410 bore or from pistols or revolvers of ·441, ·455 or any intermediate bore and of ·38 bore or 9 m.m. calibre. (b) Licences for the export of rifles, muskets, revolvers or pistols of the bores specified in sub-head (iii) of head (a) may be granted to persons, or members of the classes, specified in Schedule I who are exempted in respect thereof; (c) Licences for the export of cartridges may be granted to persons or members of the classes specified in Schedule I who are exempted in respect thereof, subject to the following conditions, namely :— (i) that, save in the case of cartridges for use with rifles of ·577/·450 and ·500/·450 bores, the number of such cartridges shall not execed two hundred in any one year; and (ii) that the cartridges are for the personal use of the licensees.	
(ii) The Chief Secretaries to the Government of the States of Saurashtra, Rajasthan, Madhya Bharat, Patiala and East Punjab States Union, Travancore-Cochin, Mysore and Hyderabad.	The State concerned.	Do	do
(iii) The Chief Commissioners of Manipur, Bhopal, Tripura and Vindhya Pradesh.	Do ...	Do	do

C. In Schedule VIII.— 250

In Forms XVI and XVI-A, below the words "Ambassador of India in Nepal" and "Sub-Divisional Magistrate, district", respectively, the words "Chief Secretary/Chief Commissioner" shall be added."

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

NOTIFICATION.

No. L. D. 668—Legis. 5-50-9, Bangalore, dated 6th—9th June 1950.

Ordered that the accompanying Provincial Parliament (Representation of Assam Tribal Areas) Rules, 1950 published in the *Gazette of India*, dated the 26th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

New Delhi, dated 25th May, 1950.

S. R. O. 65.—The following Rules made by the President are published for general information:—

THE PROVISIONAL PARLIAMENT (REPRESENTATION OF ASSAM TRIBAL AREAS) RULES, 1950.

Whereas the tribal areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution of India were not represented in the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution;

Now, therefore, in exercise of the powers conferred by clause (2) of article 379 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to make the following rules, namely:—

1. (1) These rules may be called the Provincial Parliament (Representation of Assam Tribal Areas) Rules, 1950.

(2) They shall come into force at once.

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2. (1) The tribal areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution shall have one seat in the provisional Parliament.

(2) The said seat shall be filled by a person nominated by the Governor of Assam.

3. (1) The President shall, as soon as may be after the commencement of these rules, make a request in writing to the Governor of Assam to nominate a person to fill the seat referred to in sub-rule (1) of rule 2.

(2) On the completion of the nomination the Governor shall notify the name of the person nominated in the Official Gazette of the State and shall cuase a copy of the said notification to be communicated to the Secretary to the Government of India in the Ministry of Law, the Secretary to Parliament and the Secretary to the Election Commission.

(3) The name of the person so nominated shall be published in the *Gazette of India.*

No. F. 13/50-C.

K. V. K. SUNDARAM, *Secy.*

NOTIFICATION.

No. L. D. 669--Legis. 4-50-17, dated Bangalore, the 9th June 1950.

Ordered that the accompanying further amendments to the Indian Telegraph Rules, 1932 (Notification No. P. H. A. 20-40-49, dated 2nd May 1950 of the Ministry of Communications) published in the *Gazette of India*, dated the 20th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 2nd May 1950

No. PHA-20-40/49.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), and in modification of the notification of the Government of India in the Ministry of Communications No. PHA-20-40/49, dated the 7th February 1950, the Central Government is pleased to direct that the

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following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

In the said rules, for rule 475-B, the following rule shall be substituted, namely :—

"475-B. Rules 435 to 438, 451 to 457-A and 459 to 475 shall not, except as otherwise expressly provided in any such rule, apply to any telephone system, situated in any of the following territories, which was previously owned by the Government of a former Indian State and has since been taken one by the Central Government :—

Territories.

1. Territories comprising all part B States.

2. Territories merged in the State of Orissa.

3. Territories merged in the State of Bombay, other than the territories comprising the former Indian States of Baroda and Kolhapur.

4. Territories merged in the State of Madhya Pradesh.

5. Territories comprising each of the States of Himachal Pradesh, Vindhya Pradesh and Kutch."

K. V. VENKATACHALAM, *Dy. Secy.*

NOTIFICATION.

No. L. D. 670—Legis. 4-50-18, dated Bangalore, 9th June 1950.

Ordered that the accompanying further amendments to the National Cadet Corps Rules Notification No. S. R. O. 44, dated 20th May 1950 of the Ministry of Defence, published in the *Gazette of India*, dated the 20th May, 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF DEFENCE

New Delhi, the 20th May 1950.

S.R.O. 44.—In exercise of the powers conferred by Section 13 of the National Cadet Corps Act, 1948 (XXXI of 1948), the Central Government is pleased to direct that the following further amendments shall be made in the National Cadet Corps Rules, namely :—

In the said Rules—

1. *For* the words "appropriate Government" wherever they occur, the words "State Government" shall be *substituted*.

2. *For* clause (b) of Rule 2, the following clause shall be *substituted*, namely :—

"(*b*) 'State Government,' in relation to a Part C State, means the Chief Commissioner of that State;".

3. In Rule 5, after clause (a) the following clause shall be *inserted*, namely :—

"(*aa*) unless he is a citizen of India or a subject of Nepal :

Provided that the Central Government may, in any suitable case, relax the provisions of this clause;".

4. In sub-rule (2) of Rule 24, *for* the words "Province, Centrally Administered Area or an Acceding State" the word "State" shall be *substituted*.

5. In the Explanations to Rule 39, *for* the words "the Commander of the Sub-Area or of the State Forces" wherever they occur the words "the Commander of the Sub-Area in a Part A State or the Commander of the State Forces in a Part B State" shall be *substituted*.

6. *For* sub-rule (2) of Rule 42, the following sub-rule shall be *substituted*, namely :—

"(2) A State Advisory Committee shall be constituted as follows :—

(*a*) the Minister of Education, or the Chief Commissioner in the case of a Part C State, who shall be the Chairman of the Committee;

(*b*) the Secretary of the Education Department of the State concerned or if the National Cadet Corps is controlled by any other department, then the Secretary of that Department;

(*c*) the Vice-Chancellor of each University, if any, in the State :

(*d*) the Director of Public Instruction, if any, of the State ;

(*e*) One Officer of the Army to be nominated :—

(i) in the case of an Advisory Committee for a Part B State, by the General Officer Commanding or Commander of the Forces of that State from the staff of his Headquarters :

(ii) in any other case, by the General Officer Commanding-in-Chief the Command from the staff of the Headquarters of the Command or Area.

(*f*) two Head Masters of schools which provide a unit of the Junior Division, to be nominated annually by the State Government;

(*g*) one Officer of the Regular Army posted to the National Cadet Corps, to be nominated by the Director, National Cadet Corps ;

(*h*) three non-official members, of whom one shall be a woman, to be nominated annually by the State Government ;

(i) the member, if any, of the Central Advisory Committee residing in the State.

A senior officer of the Education Department, to be nominated by the State Government, shall be the Secretary of the Committee.

7. In sub-rule (2) of Rule 43—

(*a*) *for* the words "A Provinicial, Centrally Administered Area or State Advisory Committee" the words "A State Advisory Committee" shall be *substituted* ;

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(b) *for* the words "Province, the Centrally Administered Area or State" the words "State" shall be *substituted* ;

(c) in clause (a), *for* the words "Provincial, Centrally Administered Area or State Government" the words "State Government" shall be *substituted* ;

(d) *for* sub-clause (iv) of clause (a) the following shall be *substituted*, namely :—

"any other matter which may be referred to it by the Central Government or the State Government or the Director, National Cadet Corps, as the case may be".

8. In Schedule I, in Forms I, II and III, *for* item 3 the following item shall be *substituted*, namely :—

3. "Are you a citizen of India or a subject of Nepal ?".

S.R.O. 45.—In exercise of the powers conferred by section 4 of the National Cadet Corps Act, 1948 (XXXI of 1948), the Central Government is pleased to constitute w.e.f. 10th May 1950, the undermentioned units of the Senior Division, National Cadet Corps, for the State shown against each such unit :—

Infantry Units

6th Bombay Battalion, N.C.C., BOMBAY.
3rd Madras Battalion, N.C.C., MADRAS.
1st P.E.P.S.U. Battalion, N.C.C., P.E.P.S.U.

Armoured Corps Units

2nd Bengal Armoured Squadron, N.C.C., WEST BENGAL.
3rd Punjab Armoured Squadron, N.C.C., PUNJAB.

Medical Units

7th Orissa Medical Company, N.C.C., ORISSA.
8th Punjab Medical Company, N.C.C., PUNJAB.

S.R.O. 46.—In pursuance of sub-section (7) of Section 13 of the Cantonments Act, 1924 (II of 1924), the Central Government is pleased to notify that a vacancy has occurred in the Cantonment Board Dalhousie, by reason of the acceptance by the Central Government of the resignation of Capt. Chetan Dev.

(No. 121/1/G/L&C/48).

S.R.O. 47.—In pursuance of sub-section (7) of Section 13 of the Cantonments Act, 1924 (II of 1924), the Central Government is pleased to notify the nomination of Maj. P. A. Paul, as a member of the Cantonment Board Dhalhousie *vice* Capt. Chetan Dev, resigned.

(No. 121/1/G/L&C/48).

S.R.O. 48.—In pursuance of sub-section (7) of Section 13 of the Cantonments Act, 1924 (II of 1924), the Central Government is pleased to notify that a vacancy has occurred in the Cantonment Board Landour, by reason of the acceptance by the Central Government of the resignation of Shri B. R. Khosla.

(No. 121/56/G/L&C/42).

S.R.O. 49.—In pursuance of sub-section (7) of Section 13 of the Cantonments Act, 1924 (II of 1924), the Central Government is pleased to notify the nomination of Maj. B. Bhattacharjee as a member of the Cantonment Board Landour *vice* Shri B. R. Khosla, resigned.

(No. 121/56/G/L&C/42).

H. M. PATEL, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 3455—L.W. 58-49-13, Bangalore, dated 15th March, 1950.

SCHEDULES AND APPENDICES

TO

Report of the Committee constituted under clause (*a*) of sub-section (1) of the said sections in Government Notification No. L.S. 5946—L.W. 97-48-4, dated 13th May 1949, to enquire and advise Government regarding fixation of minimum wages and minimum workloads in respect of employment in K.G.F. Mining and Metallurgical Operations (Published in the *Mysore Gazette* dated 25th May 1950.) Pages 195-196—(1 to 71).

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

KOLAR GOLD FIELD MINING COMPANIES' MANAGEMENTS' CONSIDERED DECISIONS REGARDING FURTHER IMPROVEMENTS IN EARNINGS OF EMPLOYEES.

The Managements have given their full and sympathetic consideration to the representations made by labour representatives at their recent meetings with them. The existing difficulties and limitations under which the Industry is being carried on have already been explained in clear detail to the labour representatives. *And now* CONSISTENT WITH THE LIMITED MEANS, RISING COST OF PRODUCTION, AND THE DECLINING NATURE OF THE INDUSTRY, the Managements have decided to give effect to the following scheme securing to every worker further improvements in earnings, which, it is hoped, will be appreciated.

SCHEME.

1. *Increase in Dearness Allowance.*

As from 1st April 1947, DEARNESS ALLOWANCE of employees who are now receiving Rs. 13-8-0 and Rs. 14-8-0 per month will be raised to Rs. 15-8-0 per month.

2. *Service increments and increments in Grades.*

NOTE :—Scheme "A" or "B" whichever gives the greater benefit to the employee shall be applicable; and for these employees all future biennial increments shall date from the 1st April 1947.

For purposes of calculating service, the rules governing the calculations for Service Gratuity will be observed, *i.e.*, service must be continuous. In cases where there is a break in service, the discretion of the Superintendent to ignore the break will be recognized.

A. Those whose increments fell due between 1st January 1946 and 1st April 1947 but who did not benefit by virtue of the terms of the agreements dated 22nd March 1946 (which provided for the grant of biennial increments only on 1st January 1948) will be granted, with a view to affording relief, the increments due straightway.

B. The existing rates of pay of employees will, if found necessary, be increased according to their length of service in their present grades on the following basis :—

Length of Service	*Rate of pay*
From 3 years to 6 years in present grade.	Minimum + 1 Increment
From 6 years to 9 years in present grade.	,, + 2 Increments

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Length of Service	*Rate of pay*
From 9 years to 12 years in present grade.	Minimum + 3 Increments
From 12 years to 15 years in present grade.	" + 4 "

NOTE :—The above increments shall be subject to the maximum rate of the grade not being exceeded except in the cases of employees in Grades "U" to "Z" who, if qualified by service, will be permitted as a special case one extra increment over and above the maximum and without prejudice to the maximum rate in the Wages Schedule.

C. Those who on 1st April 1947 have been on the maximum of their Grades for 4 years or more will be given the benefit of 1 increment in the particular Grade, and those with 2 years but under 4 years' service on the maximum of the Grade : 50 per cent of their unit of increment, which will be without prejudice to the maximum rate in the wages schedule.

3. *War Relief Bonus.*

In earnest desire of affording relief to employees who during the War period had undergone some difficulties and with a view to the successful conclusion of the negotiations a WAR RELIEF BONUS of one month's basic pay will be paid by the Companies to all the employees who have been on the rolls for a period of 12 months between 1st January 1946 and 30th April 1947 and whose names continue to be on the rolls on 30th April 1947. The Companies hope to make this payment during the first pay disbursement in May 1947.

THE EMPLOYEES WILL PLEASE APPRECIATE THE FACT THAT AS THERE ARE NO PROFITS OUT OF WHICH TO PAY THIS WAR RELIEF BONUS, THE COMPANIES ARE APPROACHING THE GOVERNMENT FOR THE GRANT OF A LOAN FOR THE PURPOSE, WHICH WILL HAVE TO BE REFUNDED TO GOVERNMENT.

IT IS THE EARNEST DESIRE OF THE MANAGEMENTS THAT THESE FURTHER IMPROVEMENTS WILL PROMOTE CONTENTMENT, CO-OPERATION AND GOOD-WILL OF THE EMPLOYEES AND THEIR LEADERS FOR THE SMOOTH WORKING OF THE INDUSTRY.

For purposes of interpretation, the English version of this notice shall be deemed to be authoritative.

கோலார் தங்கவயல் மைனிங் கம்பெனியார்களின் மானேஜ்மெண்டாரால் தொழிலாளிகளின் சம்பாத்தியத்தில் அபிவிருத்திக்காக தீர ஆலோசனையின் பேரில் அளிக்கப்பட்ட திட்டங்கள்.

சமீபத்தில் தொழிலாளப் பிரதிநிதிகள் கம்பெனியாருடன் நடத்திய சம்பாஷணைகளில் கூறிய குறைகளுக்கு கம்பெனியார் தங்கள் முழு கவனத்தையும் பூரண அனுதாபத்தையும் அளிக்கின்றனர். பிரதிநிதிகளுக்கு தற்சமயம் இத்தொழிலுக்கேற்பட்டிருக்கும் கஷ்ட நஷ்டங்கள் தெளிவாக விளக்கப்பட்டிருக்கின்றன. இப்பொழுது தங்களுக்கு ஏற்பட்டிருக்கும் பணநெருக்கடி, அதிகமான தொழிற்செலவு, இத்தொழிலின் குறைந்துபோகும் தன்மை முதலியவைகளையும் நிதானித்து கம்பெனியார் ஒவ்வொரு தொழிலாளிக்கும் மேலும் சம்பாத்தியத்தில் அபிவிருத்திகள் ஏற்படுத்தத் தீர்மானித்துள்ளனர். இந்த செய்கை நல்ல மனதுடனும் சந்தோஷத்துடனும் வரவேற்கப்படுமெனக் கருதுகின்றனர்.

திட்டம்.

1. உயர் விலை (டியர்னஸ்) அலவன்ஸ் அதிகரிப்பு.

1–4–47 முதற்கொண்டு தற்சமயம் மாதம் 80 ரூபாய் அல்லது அதற்குக் குறைவான அசல் கூலி உள்ள ரூ. 13–8–0 ம் ரூ. 14–8–0 ம் பெறுவரும் அனைவருக்கும் 15–8–0 ரூபாயாக உயர்த்தப்படும்.

2. சர்வீஸ் உயர்வுகளும் கிரேட் சர்வீஸ் உயர்வுகளும்.

குறிப்பு.—கீழ்க்கண்ட 'A' அல்லது 'B' திட்டங்களில் எந்தத் திட்டம் தொழிலாளிக்கு அதிக பலனளிக்கின்றதோ அத்திட்டமே கைக்கொள்ளப்படும். அவ்விதம் உயர்த்தப்பட்ட தொழிலாளர்களுக்கு இனிமேற் கொண்டு கொடுக்கப்படும் இருவருட உயர்வுகள் 1–4–47 முதல் கணக்கெடுக்கப்படும்.

தொழிலாளியின் சர்வீஸைக் கணக்கெடுக்கும் பொழுது, சர்வீஸ் கிராட்ச்யூடி கொடுப்பதற்கு எவ்விதம் கணக்கெடுக்கப்படுகின்றதோ அதே சட்டங்களின்படி தீர்மானிக்கப்படும். அதாவது சர்வீஸில் முறிவில்லாமல் தொடர்பாக இருக்கவேண்டும். சர்வீஸில் முறிவுள்ள சில தொழிலாளர்களுக்கு முறிவுகளை நீக்கி சர்வீஸ் தொடர்ச்சியை அனுமதிக்க சூபரிண்டெண்டுக்கு அதிகாரமுண்டு.

'A.' சாதாரணமாக 1–1–46-க்கும் 1–4–47-க்கும் இடையில் உயர்வுகளு உரிமையுள்ள, ஆனால் 22–3–46-ல் கையொப்பமிட்ட ஒப்பந்தத்தின்படி (இருவருட உயர்வு 1–1–48-ல் தான் கிடைக்கவேண்டியது) கிடையாமற் போனவர்களுக்கு கஷ்ட நிவாரணையளிக்கும் பொருட்டு கூலி உயர்வு உடனடியாக அளிக்கப்படும் (இதன்படி 1–1–48-ல் ஒழுங்கின்படி அளிக்கவேண்டிய இருவருடக் கூலி உயர்வு இப்பொழுதே அதாவது, 9 மாதங்களுக்கு முன்னதாகவே அளிக்கப்படும்).

'B.' தற்சமயம் அமுலிலிருக்கும் தொழிலாளியின் சம்பளம் அவசியமானால் அவர்கள் சர்வீசுக்குத் தகுந்தாற்போல் கீழ்க்கண்ட முறையில் அவர்களுடைய கிரேடில் உயர்த்தப்படும்.

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உயர்வுகள்.

3 வருடத்திற்கு மேற்பட்டு 6 வருடம் வரை கிரேடின் அடிப்படைக் கூலியும் + 1 உயர்வு.

6 வருடத்திற்கு மேற்பட்டு 9 வருடம் வரை கிரேடின் அடிப்படைக் கூலியும் + 2 உயர்வுகள்.

9 வருடத்திற்கு மேற்பட்டு 12 வருடம் வரை கிரேடின் அடிப்படைக் கூலியும் + 3 உயர்வுகள்.

12 வருடத்திற்கு மேற்பட்டு 15 வருடம் வரை கிரேடின் அடிப்படைக் கூலியும் + 4 உயர்வுகள்.

குறிப்பு.—மேற்கண்ட உயர்வுகள் "U" முதல் "Z" கிரேட் வரையுள்ள தொழிலாளரைத் தவிர மற்ற கிரேடில் உள்ளவர்களின் உயர்ந்த (Maximum) கூலிக்கு மேற்படலாகாது. ஆனால், "U" விலிருந்து "Z" கிரேட் நீண்ட சர்வீஸ் தொழிலாளிகளுக்குப் பயனளிக்கும்படி அவர்களுக்கு ஒரு விசேஷ அனுமதியாக அவர்களது மாக்சிமத்திற்கு மேலாக ஒரு உயர்வு அளிக்கப்படும். இது சம்பளப் பட்டியலின் உயர்ந்த (Maximum) கூலியைப் பாதிக்காது.

'C.' 1-4-47-ல் அவரவர்கள் கிரேடில் உயர்ந்த கூலி (Maximum) அடைந்து 4 வருடமாவது அதற்கு மேலாவது ஆகியிருந்தவருக்கு மாக்ஸிமத்துக்கு மேல் ஒரு உயர்வும் 2 வருடத்துக்கு மேலும், ஆனால், 4 வருடத்துக்குக் குறைந்தும் சர்வீஸ் ஆகியவர்களுக்கு ஒரு உயர்வில் 50 சத விகிதமும் அளிக்கப்படும். இது சம்பளப்பட்டியலின் மாக்சிமத்தைப் பாதிக்காது.

3. யுத்தகால நிவாரணை போனஸ்.

யுத்தகால நெருக்கடியினால் கஷ்டப்பட்ட தொழிலாளிகளுக்கு நிவாரணையளிக்கும்பொருட்டு கம்பெனியார் உண்மையான அனுதாபத்துடன் ஒரு மாத அடிப்படை (அசல்) சம்பளம் 1-1-46 லிருந்து 30-4-47 க்குள் 12 மாதமாவது பட்டியலிலிருந்தும், 30-4-47-ல் பட்டியலிலும் (Roll) இருக்கும் எல்லாத் தொழிலாளிகளுக்கும் அளிக்கிறார்கள். இந்த போனஸ் மே மாதத்தில் முதல் கொடுக்கப்படும் சம்பளத்துடன் அளிக்கப்படும்.

இந்த நிவாரணை போனஸ் கொடுக்க கம்பெனியில் லாப பணம் இல்லையெனினும், கம்பெனியார் கவர்ன்மெண்டாரிடம் திருப்பிக் கொடுக்கப்படும் கடன் பணமாகப் பெற்றுக் கொடுப்பதை எல்லாத் தொழிலாளிகளும் சந்தோஷத்துடன் வரவேற்பார்கள் எனக் கருதப்படுகிறது.

மேற்கண்ட கூலி அபிவிருத்திகளும், உயர்வுகளும், தொழிலாளிகளுக்கும், அவர்களுடைய பிரதிநிதிகளுக்கும், நல்லெண்ணத்தையும், கூட்டுறவையும், திருப்தியையும் உண்டாக்கி, தொழிலின் முன்னேற்றத்துக்காக கம்பெனியாருடன் ஒத்துழைக்க ஏதுவாக இருக்குமென கம்பெனியார் உண்மையாகக் கருதுகிறார்கள்.

குறிப்பு.—இதில் உள்ள வியாக்கியானங்களுக்கு ஆங்கில விளம்பரமே உத்தரவாதமுள்ளதாகக் கருதப்படும்.

கோலார் தங்கவயல்,
10-4-47.

WD 182—GBPM—2,400—2-6-1950.

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The Champion Reef Gold Mines of India, Limited.

Rules pertaining to the Schedule of Daily Wage Rates.

1. This Schedule shall be effective from 1st of January 1946, provided however that in no case will the present wage rate of any employee be reduced thereby.
2. New employees shall commence at the minimum rate for their respective classifications. Subsequent increases of pay shall be in accordance with Rule 4 below.
3. Employees transferred, on the Company's initiative, from one classification to another shall, unless already in receipt of higher wages, commence at the minimum rate for the new classification, Subsequent increases of pay shall be in accordance with Rule 4 below.
4. On completion of two years' service since commencement of employment, last increment or promotion as the case may be, and providing maximums for concerned classifications are not exceeded, employees with satisfactory attendance and conduct will be entitled to increments in accordance with the following scale :—

Daily Wage Rate.

	Rs. a. p.		
Up to	1 1 0 (inclusive)	Biennial increase	1 Anna
Rs. a. p.			
1 2 0 to 1 6 0	,,	,, ,,	2 Annas
1 7 0 to 2 0 0	,,	,, ,,	3 ,,
2 1 0 to 2 12 0	,,	,, ,,	4 ,,
2 13 0 & upwards		,, ,,	5 ,,

Note :—The increment of As. 5 provided at Rs. 2-13-0 and upwards includes the merging of 1 Anna Attendance Bonus which discontinues at Rs. 3-0-0.

5. Increments in accordance with Rule 4 above will be authorised by the Head of the Department concerned. All other increments and changes in classification will be authorised by the Superintendent.
6. An employee whose service with the Company has been voluntarily or otherwise terminated, shall if re-engaged be regarded as a new employee for the purposes of this Schedule.
7. The payment of daily wages where scheduled shall be adhered to in all future appointments.
8. For work in addition to the total number of normal working days in a pay period, OVERTIME will be paid at the rate of time and one half. The actual time worked will count as attendance for the purpose of Attendance Bonus, Privilege Leave, Dearness Allowance and Clothing Allowance.

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9. As an addition to the Wage Rates scheduled, employees whose wage rates are up to and including Rs. 3-0-0 per day and who have in any one calendar month attended for the qualifying number of working days will be paid an ATTENDANCE BONUS of Rs. 1-8-0.

The "qualifying number of working days" in any one month is equivalent to two days less than the total number of calendar days excluding Sundays.

Attendance Bonus will be paid monthly.

10. Workmen whose daily rates of pay exceed Rs. 3-13-0 will be regarded as monthly rated employees.

CHAMPION REEFS,
22nd March 1946.

J. W. MORGAN,
Superintendent.

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SCHEDULES

Schedule of Daily Wage Rates.

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Grade Group	Min.	Wage Progression				Max.	Normal Additional Increment		Total Max.
	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.
C	2 8	2 12	3 0	3 5	3 10	3 10	3 12½	3 15	3 15
D	2 5	2 9	2 13	3 2	3 6	3 6	3 8½	3 11	3 11
E	2 4	2 8	2 12	3 0	3 5	3 5	3 7½	3 10	3 10
F	1 15	2 2	2 6	2 10	2 13	2 13	2 15	3 1	3 1
G	1 13	2 0	2 3	2 7	2 11	2 11	2 13	2 15	2 15
H	1 12	1 15	2 2	2 6	2 9	2 9	2 11	2 13	2 13
J	1 11	1 14	2 1	2 5	2 8	2 8	2 10	2 12	2 12
K	1 10	1 13	2 0	2 3	2 7	2 7	2 9	2 11	2 11
L	1 9	1 12	1 15	2 2	2 5	2 5	2 6½	2 8	2 8
M	1 8	1 11	1 14	2 0	...	2 0	2 1½	2 3	2 3
N	1 7	1 10	1 13	1 15	...	1 15	2 0½	2 2	2 2
O	1 6	1 8	1 11	1 13	...	1 13	1 14½	2 0	2 0
P	1 5	1 7	1 10	1 12	...	1 12	1 13½	1 15	1 15
Q	1 4	1 6	1 8	1 10	...	1 10	1 11	1 12	1 12
R	1 3	1 5	1 7	1 8	...	1 8	1 9	1 10	1 10
S	1 2	1 4	1 6	...	...	1 6	1 7	1 8	1 8
T	1 1	1 2	1 4	...	...	1 4	1 4½	1 5	1 5
U	1 0	1 1	1 2	...	...	1 2	1 2½	1 3	1 3
V	0 15	1 0	1 1	...	...	1 1	1 1½	1 2	1 2
W	1 1	...	...	...	...	1 1	1 1½	1 2	1 2
X	0 14	0 15	1 0	...	...	1 0	1 0½	1 1	1 1
Y	0 13	0 14	0 15	...	...	0 15	0 15½	1 0	1 0
Z	0 13	0 14	...	...	...	0 14	0 14½	0 15	0 15
A.A.	0 8	0 9	0 10	0 11	...	0 11	0 11½	0 12	0 12
A.B.	0 9	0 10	...	...	...	0 10	0 10½	0 11	0 11

Note —Grades A and B =Optional Monthly Pay.
Grade C=Monthly Pay when over Rs. 3-13 0.

SCHEDULE I.

WAGES SCHEDULE.

1ST JANUARY 1946.

General Index to groups in progressive rates of pay. 264

Group	Rate of Pay Min. Rs.	Rate of Pay Max. Rs.	Index No.	Underground and Survey Departments	Engineering Department	Metallurgical and Stores Departments
A	3 4	4 8	A 1		Outdoor Fitter Mestries, 1st Grade.	
			A 2		Shops, Head Mestries.	
			A 3		U/g. Fitter ,,	
B	3 0	4 4	B 1	Shaft Chargemen (Surface Main Shafts).		
C	2 8	3 15	C 1	Asst. Foremen, 2nd Grade.		
			C 2			Assistant Foremen, 2nd Grade.
D	2 5	3 11	D 1		Outdoor Fitter Mestries, 2nd Grade.	
			D 2		*U/g. Winding Engine Drivers, 1st Grade.	
E	2 4	3 10	E 1		Shop Mestries.	
			E 2		Patrolmen, 1st Grade.	
			E 3		*Surface Winding Engine Drivers, 1st Grade.	
			E 4		U/g. Fitters, 1st Grade.	
			E 5	*Banksmen, 1st Grade.		
F	1 15	3 1	F 1		Fitters and Machinists, 1st Grade.	
G	1 13	2 15	G 1		Welders, Electric and Gas, 1st Grade.	
H	1 12	2 13	H 1	Head Mestries, Surveying.		
J	1 11	2 12	J 1		Shop Mestries (Drill Sharpening Shop).	
			J 2			Head Furnacemen.
			J 3		Mestries, Building.	
K	1 10	2 11	K 1	Head Mestries.		
			K 2	Head Mestries, Pipe Fitting.		
			K 3	Head Mestries, Sampling.		
			K 4			Blanket Operators.
L	1 9	2 8	L 1		Outdoor Fitters, 1st Grade.	
			L 2		Blacksmiths, 1st Grade.	
			L 3		Moulders, ,,	
			L 4		Platers and Boilersmiths, 1st Grade.	
			L 5		Carpenters and Patternmakers, 1st Grade.	

* Classification according to importance of winders and/or shafts.

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Group	Rate of Pay Min. Rs.	Rate of Pay Max. Rs.	Index No.	Underground and Survey Departments	Engineering Department	Metallurgical and Stores Departments
M	1 8	2 3	M 1		Patrolmen, 2nd Grade.	
			M 2		U/g. Fitters ,,	
			M 3	*U/g. Signalmen, 1st Grade.		
			M 4	*Banksmen, 2nd Grade.		
			M 5		*U/g. Winding Engine Drivers, 2nd Grade.	
			M 6		Head Mestries, Pipe Fitting.	
N	1 7	2 2	N 1		*Surface Winding Engine Drivers, 2nd Grade.	
O	1 6	2 0	O 1			Filter Mestries, 1st Grade.
			O 2		Masons, 1st Grade.	
			O 3		Painters, ,,	
			O 4		Sawyers, ,,	
			O 5		Tinkers, ,,	
			O 6		Fitters and Machinists, 2nd Grade.	
			O 7	Mestries, Shaft Sinking.		
			O 8	Mestries, Surveying.		
P	1 5	1 15	P 1	Rockdrill, Fitters.		
Q	1 4	1 12	Q 1		Head Mestries, Labour Gangs.	
			Q 2		Welders, 2nd Grade.	
			Q 3			Furnacemen, 1st Grade.
			Q 4			Blanket and Leaf Stitchers, 1st Grade.
			Q 5	*Surface Signalmen 1st Grade.		
			Q 6		Compressor Attendants, 1st Grade.	
			Q 7	U/g. Mestries, General purposes.		
			Q 8	Mestries, Shaft Maintenance and Hoisting.		
			Q 9	Mestries, Breaking ground by machine.		
			Q 10	Mestries, Blasting.		
			Q 11	Mestries, Pipe Fitting.		
			Q 12	Mestries, Bell Fitting.		
			Q 13	Mestries, Sampling.		
			Q 14	Teaboys, 1st Grade.		
			Q 15			Stores issuer.
R	1 3	1 10	R 1		Outdoor Fitters, 2nd Grade.	
			R 2		Blacksmiths, 2nd Grade.	
			R 3		Moulders, 2nd Grade.	
			R 4		Platers and Boilersmiths, 2nd Grade.	
			R 5		Carpenters and Pattern-markers, 2nd Grade.	

* Classification according to importance of winders and/or shafts.

Group	Rate of Pay Min. Rs.	Rate of Pay Max. Rs.	Index No.	Underground and Survey Departments	Engineering Department	Metallurgical and Stores Departments
R	1 8	1 10	R 6		Jumpersmiths, 1st Grade.	
			R 7		Motor Transport Drivers	
			R 8			Battery Shiftmen, 1st Grade.
			R 9	Mestries, Hand Labour.		
			R 10	Mestries employed on:— Building. Concreting. Jumper-supply. Packwalling. Platelaying. Rail-setting. Timbering. Tramming and Unloading. All others unspecified.		
			R 11	Masons (qualified).		
			R 12	Banksmen, 3rd Grade.		
			R 13	Mestries, Sweeper.		
			R 14		*U/g. Winding Engine Drivers, 3rd Grade.	
S	1 2	1 8	S 1		*Surface Winding Engine Drivers, 3rd Grade.	
			S 2		Line Mestries, 1st Grade.	
			S 3		A. C. P. Attendants, 1st Grade.	
			S 4		Patrolmen, 3rd Grade.	
			S 5		U/g. Fitters, 3rd Grade.	
			S 6	*U/g. Signalmen, 2nd Grade.		
			S 7	*Bellmen, 1st Grade.		
			S 8	Shaft Sinkers.		
			S 9		U/g. Convertor Set Attendants.	
			S 10	*U/g. Drivers, Small Hoists, 1st Grade.		
			S 11		Mestries, Pipe Fitting.	
T	1 1	1 5	T 1		Mestries, 1st Grade (Surface Labour Gangs).	
			T 2		Convertor Set Attendants, 1st Grade.	
			T 3		Compressor Attendants, 2nd Grade.	
			T 4		Cupolamen, 1st Grade.	
			T 5		Saw Sharpeners, 1st Grade.	
			T 6		Sawyers, 2nd Grade.	
			T 7		Masons, ,, ,,	
			T 8		Painters, ,, ,,	
			T 9		Tinkers, ,, ,,	
			T 10		Fitters and Machinists, 3rd Grade.	
			T 11			Furnacemen, 2nd Grade.
			T 12			Filter Mestries, 2nd Grade.
			T 13	*Surface Signalmen, 2nd Grade.		
			T 14	U/g. Loco Drivers and Drivers Small Hoists, 2nd Grade.		

* Classification according to importance of winders and/or shafts.

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Group	Rate of Pay Min. Rs.	Rate of Pay Max. Rs.	Index No.	Underground and Survey Departments	Engineering Department	Metallurgical and Stores Departments
T	1 1	1 5	T 15	Machinemen, Breaking Ground.		
			T 16	Teaboys, 2nd Grade.		
			T 17	Disc Checkers.		
			T 18	U/g. Toolroom Attendants.		
			T 19	Survey Linesmen.		
			T 20			
			T 21	Pipe Fitters.		Storemen, 1st Grade.
U	1 0	1 3	U 1		Jumpersmiths, 2nd Grade.	
			U 2		Carpenters and Pattern-makers, 3rd Grade.	
			U 3		Platers and Boilersmith, 3rd Grade.	
			U 4		Outdoor Fitters, 3rd Grade.	
			U 5		Welders, 3rd Grade.	
			U 6		Blacksmiths ,,	
			U 7		Moulders, ,,	
			U 8			Blanket Stitchers, 2nd Grade.
			U 9		Surface Drivers Small Hoists, 1st Grade.	
	1 1	1 3	U 10	Shaftmen, Shaft Maintenance and Hoisting.		
			U 11	Samplers.		
			U 12		U/g. Electric Fan, Motor and Pump Attendants.	
			U 13	U/g. Bell Fitters Assistants.		
			U 14	U/g. Rock-drill Fitters' Assistance.		
			U 15	U/g. Signalmen, 3rd Grade.		
			U 16	Bellmen, 2nd Grade.		
			U 17	U/g. Craftsmen's Assistants.		
			U 18		Pipe Fitters.	
V	0 15	1 2	V 1		Mestries, Labour Gangs, 2nd Grade. Line Mestries, 2nd Grade.	
			V 2		A. C. P. Attendants, 2nd Grade.	
			V 3		Surface Convertor Set Attendants, 2nd Grade.	
			V 4		Surface Electric Fan, Motor Pump Attendants, 1st Grade	
			V 5		Compressor Attendants, 3rd Grade.	
			V 6		Hammermen, 1st Grade.	
			V 7		Rope-splicers, 1st Grade.	
			V 8		Cupolamen, 2nd Grade.	
			V 9		Saw-sharpeners, ,,	
			V 10		Sawyers, 3rd Grade.	
			V 11		Painters, ,,	
			V 12		Masons, ,,	
			V 13		Tinkers, ,,	
			V 14			Battery Shiftmen, 2nd Grade.
	1 1	1 2	V 15	Labourers.		
			V 16		U/g. Donkey Pump Drivers.	

* Classification according to importance of winders and/or shafts.

Group	Rate of Pay Min. Rs.	Rate of Pay Max. Rs.	Index No.	Underground and Survey Departments	Engineering Department	Metallurgical and Stores Departments
V	1 1	1 2	V 17		U/g. Oilers and Cleaners.	
			V 18		U/g. Brakesmen.	
			...	Section T. 21.		
			V 20	Blasters' Assistants.		
			V 21	Teaboys, 3rd Grade.		
			V 22	Sweepers.		
W	1 1	1 2	W 1	Door Watchmen.		
			W 2	Water-tap Watchmen.		
			W 3	Bellmen, 3rd Grade.		
X	0 14	1 1	X 1	Signalmen, 3rd Grade (Surface).		
			X 2		Crane Operators.	
			X 3		Small Hoists Drivers, 2nd Grade.	
			X 4			Assay and Smelter Room Attendants.
			X 5			Collector Gang Labourers.
			X 6			Blanket Stitchers, 3rd Grade.
			X 7			Storemen, 2nd Grade.
Y	0 13	1 0*	Y 1		Surface Brakesmen (without certificates).	
			Y 2		Fan, Motor and Pump Attendants, 2nd Grade (Surface).	
			Y 3		Battery Charging Attendants.	
			Y 4		Hammermen, 2nd Grade.	
			Y 5		Rope-splicers, 2nd Grade.	
			Y 6			Tube Mill and Mill Battery Assistants.
			Y 7			Cyanide Plant Assistants.
			Y 8		Craftsmen's Assistants (Surface).	
			Y 9		Platelayers.	
Z	0 13	0 15	Z 1		Surface Labourers.	Labourers.
			Z 2		Oilers and Cleaners (Surface)	
			Z 3		Water Tank Watchmen.	
			Z 4		Sweepers (Men).	
*AA	0 8	0 12	AA		Boys.	
			AA		Sweeper Boys.	
AB	0 9	0 11	AB		Women.	
			AB		Sweeper Women.	

* Rate according to apparent age.

Schedule of Daily Wage Rates.

Rates as amended Pages 2 to 13.

UNDERGROUND DEPARTMENT.		3rd Grade			2nd Grade			1st Grade			Other Classifications		
		Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.
Supervision ...	Assistant Foremen		—	—	C. 1	2 6	3 8		Monthly Pay				
Shaft Control & Signalling.	Surface Shaft Chargemen (Main Shafts).		—	—		—	—		—	—	B. 1	3 0	4 4
	*Banksmen	R. 12	1 1	1 6	M. 4	1 6	1 14	E. 5	2 2	3 3			
	*Signalmen (Surface)	X. 1	0 12	0 14	T. 13	0 15	1 2	Q. 5	1 2	1 8			
	* " (Underground) ...	U. 15	0 14	1 0	S. 6	1 0	1 4	M. 3	1 6	1 14			
	Bellmen	W. 3	0 13	0 13	U. 16	0 14	1 0	S. 7	1 0	1 4			
U/G. Locos and Small Hoists.	Drivers		—	—	T. 14	0 15	1 2	S. 10	1 0	1 4			
Teaboys ...	Teaboys	V. 21	0 13	0 15	T. 16	0 15	1 2	Q. 14	1 2	1 8			
					Mestries			Head Mestries					
General Purposes...	Mestries		...	...	Q. 7	1 2	1 8	K. 1	1 8	2 5		—	—
	Labourers		...	...		—	—		—	—	V. 15	0 13	0 15
Shaft sinking ...	Mestries		...	...	O. 7	1 4	1 11	K. 1	1 8	2 5		—	—
	Shaft Sinkers		...	...		—	—		—	—	S. 8	1 0	1 4
Shaft Maintenance and Hoisting.	Mestries		...	...	Q. 8	1 2	1 8	K. 1	1 8	2 5		—	—
	Shaftmen		...	...		—	—		—	—	U. 10	0 14	1 0
Breaking Ground by Machine.	Mestries		..	...	Q. 9	1 2	1 8	K. 1	1 8	2 5		—	—
	Machinemen		...	...		—	—		—	—	T. 15	0 15	1 2
Breaking Ground by Hand Labour.	Mestries		...	...	R. 9	1 1	1 6	K. 1	1 8	2 5		—	—
	Hand-Jumpermen		...	...		—	—		—	—		Piece work.	

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Blasting ...	Blasters ...	Q. 10	1 2	1 8	K. 1	1 8	2 5		—	—
	Assistants ...		—	—		—	—	V. 20	0 13	0 15
Pipe Fitting ...	Mestries ...	Q. 11	1 2	1 8	K. 2	1 8	2 5		—	—
	Assistants ...		—	—		—	—	V. 19	0 13	0 15
Bell Fitting ...	Mestries ...	Q. 12	1 2	1 8		—	—		—	—
	Assistants ...		—	—		—	—	U. 13	0 14	1 0
Rock-drill Fitting	Fitters ...		—	—		—	—	P. 1	1 3	1 10
	,, Assistants ...		—	—		—	—	U. 14	0 14	1 0
Building ... Concreting ... Jumper Supply ... Packwalling ... Platelaying ... Rail-setting ... Timbering ... Tramming and Unloading. All others unspecified.	Mestries ...	R. 10	1 1	1 6		—	—		—	—
	Labourers ...		—	—		—	—	V. 15	0 13	0 15
Sanitation ...	Mestries ...	R. 13	1 1	1 6		—	—		—	—
	Sweepers ...		—	—		—	—	V. 22	0 13	0 15
Masonry ...	Masons (qualified) ...		—	—		—	—	R. 11	1 1	1 6
Miscellaneous ...	Disc Checkers ...		—	—		—	—	T. 17	0 15	1 2
	Tool Room Attendants ...		—	—		—	—	T. 18	0 15	1 2
	Door Watchmen ...		—	—		—	—	W. 1	0 13	0 13
	Water-tap Watchmen ...		—	—		—	—	W. 2	0 13	0 13
SURVEY DEPARTMENT.										
Surveying ...	Mestries ...	O. 8	1 4	1 11	H. 1	1 10	2 7		—	—
	Linesmen ...		—	—		—	—	T. 19	0 15	1 2
Sampling ...	Mestries ...	Q 13	1 2	1 8	K. 3	1 8	2 5		—	—
	Samplers ...		—	—		—	—	U. 11	0 14	1 0
	Labourers ...		—	—		—	—	V. 15	0 13	0 15

* Classification according to importance of winders and/or shafts.

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ENGINEERING DEPARTMENT.		3rd Grade			2nd Grade			1st Grade			Other Classifications		
SURFACE.		Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.
Workshops ...	Shops, Head Mestries		—	—		—	—		—	—	A. 2	3 4	4 8
	,, Mestries		—	—	J. 1	1 9	2 6	E. 1	2 2	3 3			
	Fitters and Machinists	T. 10	0 15	1 2	O. 6	1 4	1 11	F. 1	1 13	2 11			
	Welders (Electric and Gas) ...	U. 5	0 14	1 0	Q. 2	1 2	1 8	G. 1	1 11	2 9			
	Blacksmiths	U. 6	0 14	1 0	R. 2	1 1	1 6	L. 2	1 7	2 3			
	Moulders	U. 7	0 14	1 0	R. 3	1 1	1 6	L. 3	1 7	2 3			
	Platers and Boilersmiths ...	U. 3	0 14	1 0	R. 4	1 1	1 6	L. 4	1 7	2 3			
	Carpenters and Pattern-makers ...	U. 2	0 14	1 0	R. 5	1 1	1 6	L. 5	1 7	2 3			
	Tinkers	V. 13	0 13	0 15	T. 9	0 15	1 2	O. 5	1 4	1 11			
	Sawyers	V. 10	0 13	0 15	T. 6	0 15	1 2	O. 4	1 4	1 11			
	Painters and Polishers	V. 11	0 13	0 15	T. 8	0 15	1 2	O. 3	1 4	1 11			
	Jumpersmiths		—	—	U. 1	0 14	1 0	R. 6	1 1	1 6			
	Cupolamen		—	—	V. 8	0 13	0 15	T. 4	0 15	1 2			
	Saw Sharpeners		—	—	V. 9	0 13	0 15	T. 5	0 15	1 2			
	Hammermen		—	—	Y. 4	0 11	0 13	V. 6	0 13	0 15			
	Craftsmen's Assistants		—	—		—	—		—	—	Y. 8	0 11	0 13
Outdoor Construction and Maintenance.	Outdoor Fitter Mestries. ...		—	—	D. 1	2 3	3 4	A. 1	3 4	4 8		—	—
	Do Fitters	U. 4	0 14	1 0	R. 1	1 1	1 6	L. 1	1 7	2 3		—	—
	Masons	V. 12	0 13	0 15	T. 7	0 15	1 2	O. 2	1 4	1 11		—	—
	Rope splicers		—	—	Y. 5	0 11	0 13	V. 7	0 13	0 15			
	Platelayers		—	—		—	—		—	—	Y. 9	0 11	0 13
Hoisting ...	*Drivers, Surface Winding Engines.	S. 1	1 0	1 4	N. 1	1 5	1 13	E. 3	2 2	3 3		—	—
	Do Small hoists		—	—	X. 3	0 12	0 14	U. 9	0 14	1 0		—	—
	Brakesmen		—	—		—	—		—	—	Y. 1	0 11	0 13
	Oilers and Cleaners		—	—		—	—		—	—	Z. 2	0 10	0 12
Patrolling ...	Patrolmen	S. 4	1 0	1 4	M. 1	1 6	1 14	E. 2	2 2	3 3		—	—
Machinery Attendants.	Compressors	V. 5	0 13	0 15	T. 3	0 15	1 2	Q. 6	1 2	1 8		—	—
	Air Conditioning Plant		—	—	V. 2	0 13	0 15	S. 3	1 0	1 4		—	—
	Convertor Sets		—	—	V. 3	0 13	0 15	T. 2	0 15	1 2		—	—
	Electric Fans, Motors and Pumps ...		—	—	Y. 2	0 11	0 13	V. 4	0 13	0 15		—	—
	Crane Operators		—	—		—	—		—	—	X. 2	0 12	0 14
	Battery Charging Attendants ...		—	—		—	—		—	—	Y. 3	0 11	0 13
Motor Transport ...	Lorry, Taxi and Ambulance Drivers.		—	—		—	—		—	—	R. 7	1 1	1 6

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		Mestries, 2nd Grade			Mestries, 1st Grade			Head Mestries					
General Surface Labour.	Mestries	V. 1	0 13	0 15	T. 1	0 15	1 2	Q. 1	1 2	1 8		—	—
	Labourers (including Trammers) ...		—	—		—	—		—	—	Z. 1	0 10	0 12
	‡Boys		—	—		—	—		—	—	A. A.	0 6	0 9
	Women		—	—		—	—		—	—	A. B.	0 7	0 8
Sanitation ...	Line Mestries	V. 1	0 13	0 15	S. 2	1 0	1 4		—	—		—	—
	Water Tank Watchmen		—	—		—	—		—	—	Z. 3	0 10	0 12
	Sweepers (Male)		—	—		—	—		—	—	Z. 4	0 10	0 12
	Do (Female)		—	—		—	—		—	—	A. B.	0 7	0 8
	‡ Do (Boys)		—	—		—	—		—	—	A. A.	0 6	0 9

UNDERGROUND.		3rd Grade			2nd Grade			1st Grade					
		Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.			
Engineering ...	Fitter Mestries		—	—		—	—		—	—	A. 3	3 4	4 8
	Fitters	S. 5	1 0	1 4	M. 2	1 6	1 14	E. 4	2 2	3 3		—	—
Hoisting ...	*Drivers, Winding Engines ...	R. 14	1 1	1 6	M. 5	1 6	1 14	D. 2	2 3	3 4		—	—
	Do Small hoists		—	—	T. 14	0 15	1 2	S. 10	1 0	1 4		—	—
	Brakesmen		—	—		—	—		—	—	V. 18	0 13	0 15
Machinery Attendants.	Convertor Sets		—	—		—	—		—	—	S. 9	1 0	1 4
	Electric Fans, Motors and Pumps ...		—	—		—	—		—	—	U. 12	0 14	1 0
Miscellaneous ...	Craftsmen's Assistants		—	—		—	—		—	—	U. 17	0 14	1 0
	Labourers		—	—		—	—		—	—	V. 15	0 13	0 15
	Donkey Pump Drivers		—	—		—	—		—	—	V. 16	0 13	0 15
	Oilers and Cleaners		—	—		—	—		—	—	V. 17	0 13	0 15

*Classification according to importance of winders and/or shafts.
‡Rate according to apparent age.

Rates as amended
Pages 2 to 13

METALLURGICAL DEPARTMENT.		3rd Grade			2nd Grade			1st Grade			Other Classifications		
		Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.	Index No.	Min. Rs. as.	Max. Rs. as.
Engineering and General Surface Labour.	As per Engineering Department ...												
Assay and Smelter Rooms.	Head Furnacemen					—	—		—	—	J. 2	1 9	2 6
	Furnacemen				T. 11	0 15	1 2	Q. 3	1 2	1 8		—	—
	Attendants					—	—		—	—	X. 4	0 12	0 14
Stamp Mill and Tube Mill.	Assistant Foremen				C. 2	2 6	3 8		Monthly Pay			—	—
	Blanket Operators					—	—		—	—	K. 4	1 8	2 5
	Battery Shiftmen				V. 14	0 13	0 15	Q. 8	1 1	1 6		—	—
	Assistants					—	—		—	—	Y. 6	0 11	0 13
Cyanide Plant ...	Filter Mestries				T. 12	0 15	1 2	O. 1	1 4	1 11		—	—
	Assistants					—	—		—	—	Y. 7	0 11	1 13
	Blanket and Leaf Stitchers ...	X. 6	0 12	0 14	U. 8	0 14	1 0	Q. 4	1 2	1 8		—	—
	Collector Gang labourers ...		—	—		—	—		—	—	X. 5	0 12	0 14
STORES DEPARTMENT.													
	Stores-Issuers		—	—		—	—		—	—	Q. 15	1 2	1 8
	Storemen		—	—	X. 7	0 12	0 14	T. 20	0 15	1 2		—	—
	Labourers	—	—	—		—	—		—	—	Z. 1	0 10	0 12

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Rates as amended
Pages 2 to 13.

UNDERGROUND DEPARTMENT.	Index No.	Rate of pay Min. Rs. as.	Rate of pay Max. Rs. as.
		Monthly Pay	
Assistant Foremen, 1st Grade	C. 1	2 6	3 8
Do 2nd ,, ...	K. 1	1 8	2 5
Head Mestries, All purposes	K. 2	1 8	2 5
Pipe Fitting	O. 7	1 4	1 11
Mestries, Shaft Sinking	Q. 7	1 2	1 8
General purposes	Q. 8	1 2	1 8
Shaft Maintenance and Hoisting ...	Q. 9	1 2	1 8
Breaking ground by machine	Q. 10	1 2	1 8
Blasting	Q. 11	1 2	1 8
Pipe Fitting	Q. 12	1 2	1 8
Bell ,, ...	R. 9	1 1	1 6
Breaking ground by hand	R. 10	1 1	1 6
Building Concreting Jumper supply Packwalling Plate-laying Rail-setting Timbering Tramming and Unloading Other than specified ...			
Mestries, Sweeper	R. 13	1 1	1 6
Sweepers	V. 22	0 13	0 15
Shaft Sinkers, Shaft Sinking	S. 8	1 0	1 4
Machinemen, Breaking ground, stopes or Development...	T. 15	0 15	1 2
Shaftmen, Shaft Maintenance and Hoisting ...	U. 10	0 14	1 0
Blasters Assistants	V. 20	0 13	0 15
Labourers, General purposes	V. 15	0 13	0 15
Assistants, Bell-fitting	U. 13	0 14	1 0
,, Pipe-fitting	V. 19	0 13	0 15
,, Rockdrill fitting	U. 14	0 14	1 0
Rockdrill fitters	P. 1	1 3	1 10
Teaboys, 1st Grade	Q. 14	1 2	1 8
2nd ,, ...	T. 16	0 15	1 2
3rd ,, ...	V. 21	0 13	0 15
* Surface Shaft Chargemen	B. 1	3 0	4 4
Banksmen, 1st Grade	E. 5	2 2	3 3
,, 2nd ,, ...	M. 4	1 6	1 14
,, 3rd ,, ...	R. 12	1 1	1 6
Surface Signalmen, 1st Grade	Q. 5	1 2	1 8
,, ,, 2nd ,, ...	T. 13	0 15	1 2
,, ,, 3rd ,, ...	X. 7	0 12	0 14
Underground Signalmen, 1st Grade	M. 3	1 6	1 14
,, ,, 2nd ,, ...	S. 6	1 0	1 4
,, ,, 3rd ,, ...	U. 15	0 14	1 0
Bellmen, 1st Grade	S. 7	1 0	1 4
,, 2nd ,, ...	U. 16	0 14	1 0
,, 3rd ,, ...	W. 3	0 13	0 13
Drivers Small Hoists and Locos, 1st Grade ...	S. 10	1 0	1 4
,, ,, 2nd ,, ...	T. 14	0 15	1 2
Underground Masons (qualified)	R. 11	1 1	1 6
Disc Checkers	T. 17	0 15	1 2
Underground Tool Room Attendants	T. 18	0 15	1 2
,, Door Watchmen	W. 1	0 13	0 13
,, Water Tap Watchmen	W. 2	0 13	0 13
SURVEY DEPARTMENT.			
Surveying Head Mestries	H. 1	1 10	2 7
,, Mestries	O. 8	1 4	1 11
Linesmen	T. 19	0 15	1 2
Sampling Head Mestries	K. 3	1 8	2 5
,, Mestries	Q. 13	1 2	1 8
Samplers	U. 11	0 14	1 0
Labourers	V. 15	0 13	0 15

* Classification according to importance of shafts.

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Rates as amended
Pages 2 to 13,

METALLURGICAL DEPARTMENT.			Index No.	Rate of pay Min. Rs. as.	Rate of pay Max. Rs. as.
Stamp Mill and Tube Mill—					
Assistant Foremen	2nd Grade	...	C. 2	2 6	3 8
Blanket Operators	...	...	K. 4	1 8	2 5
Battery Shiftmen	1st ,,	...	P. 8	1 1	1 6
Do	2nd ,,	...	V. 14	0 13	0 15
Assistants	...	...	Y. 6	0 11	0 13
Cyanide Plant—					
Assistant Foremen	2nd Grade	...	C. 2	2 6	3 8
Filter Mestries	1st ,,	...	O. 1	1 4	1 11
Do	2nd ,,	...	T. 12	0 15	1 2
Collector Gang Labourers	...	...	X. 5	0 12	0 14
Assistants	...	...	Y. 7	0 11	0 13
Blanket Stitchers	1st Grade	...	Q. 4	1 2	1 8
Do	2nd ,,	...	U. 8	0 14	1 0
Do	3rd ,,	...	X. 6	0 12	0 14
Assay and Smelter Rooms—					
Head Furnacemen	...	...	J. 2	1 9	2 6
Furnacemen	1st Grade	...	Q. 3	1 2	1 8
Do	2nd ,,	...	T. 11	0 15	1 2
Attendants	...	...	X. 4	0 12	0 14
STORES DEPARTMENT.					
Stores issuers	...	...	Q. 15	1 2	1 8
Storemen	1st Grade	...	T. 20	0 15	1 2
Do	2nd ,,	...	X. 7	0 12	0 14
Labourers	...	...	Z. 1	0 10	0 12

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Rates as amended
Pages 2 to 13.

ENGINEERING DEPARTMENT.		Index No.	Rate of pay Min. Rs. as.	Max. Rs. as.
Workshops—				
Shops Head Mestries	... ...	A. 2	3 4	4 3
,, Mestries	1st Grade ...	E. 1	2 2	3 3
,, ,,	2nd ,, ...	J. 1	1 9	2 6
Fitters and Machinists	1st Grade ...	F. 1	1 13	2 11
,,	2nd ,, ..	O. 6	1 4	1 11
,,	3rd ,, ...	T. 10	0 1[illegible]	1 2
Welders, Electric and Gas	1st Grade ...	G. 1	1 11	2 9
,, ,,	2nd ,, ...	Q. 2	1 2	1 8
,, ,,	3rd ,, ...	U. 5	0 14	1 0
Blacksmiths	1st Grade ...	L. 2	1 7	2 3
,,	2nd ,, ...	R. 2	1 1	1 6
,,	3rd ,, ...	U. 6	0 14	1 0
Moulders	1st Grade ..	L. 3	1 7	2 3
,,	2nd ,, ...	R. 3	1 1	1 6
,,	3rd ,, ...	U. 7	0 14	1 0
Platers and Boilersmiths	1st Grade ..	L. 4	1 7	2 3
,, ,,	2nd ,, ...	R. 4	1 1	1 6
,, ,,	3rd ,, ...	U. 3	0 14	1 0
Carpenters and Pattern-makers	1st Grade ...	L. 5	1 7	2 3
,, ,,	2nd ,, ...	R. 5	1 1	1 6
,, ,,	3rd ,, ...	U. 2	0 14	1 0
Tinkers	1st Grade ...	O. 5	1 4	1 11
,,	2nd ,, ...	T. 9	0 15	1 2
,,	3rd ,, ...	V. 13	0 13	0 15
Sawyers	1st Grade ...	O. 4	1 4	1 11
,,	2nd ,, ...	T. 6	0 15	1 2
,,	3rd ,, ...	V. 10	0 13	0 15
Painters and Polishers	1st Grade ...	O. 3	1 4	1 11
,, ,,	2nd ,, ...	T. 8	0 15	1 2
,, ,,	3rd ,, ...	V. 11	0 13	0 15
Jumpersmiths	1st Grade ...	R. 6	1 1	1 6
,,	2nd ,, ...	U. 1	0 14	1 0
Cupolamen	1st Grade ...	T. 4	0 15	1 2
,,	2nd ,, ...	V. 8	0 13	0 15
Saw Sharpeners	1st Grade ...	T. 5	0 15	1 2
,,	2nd ,, ...	V. 9	0 13	0 15
Hammermen	1st Grade ...	V. 6	0 13	0 15
,,	2nd ,, ...	Y. 4	0 11	0 13
Craftsmen's Assistants	... ...	Y. 8	0 11	0 13

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Rates as amended
Pages 2 to 13.

ENGINEERING DEPARTMENT—(*contd.*)		Index No.	Rate of Pay Min. Rs. as.	Rate of Pay Max. Rs. as.
Outdoor Construction and Maintenance—				
Outdoor Fitter Mestries	1st Grade ...	A. 1	3 4	4 8
,, ,, ,,	2nd ,, ...	D. 1	2 3	3 4
,, Fitters	1st Grade ...	L. 1	1 7	2 3
,, ,,	2nd ,, ...	R. 1	1 1	1 6
,, ,,	3rd ,, ...	U. 4	0 14	1 0
Masons	1st Grade ...	O. 2	1 4	1 11
,,	2nd ,, ...	T. 7	0 15	1 2
,,	3rd ,, ...	V. 12	0 13	0 15
Rope splices	1st Grade ..	V. 7	0 13	0 15
,,	2nd ,, ...	Y. 5	0 11	0 13
Platelayers	... ...	Y. 9	0 11	0 13
Hoisting (Surface)—				
* Winding Engine Drivers	1st Grade ...	E. 3	2 2	3 3
* ,, ,, ,,	2nd ,, ...	N. 1	1 5	1 13
* ,, ,, ,,	3rd ,, ...	S. 1	1 0	1 4
Small Hoist Drivers	1st Grade ...	U. 9	0 14	1 0
,, ,, ,,	2nd ,, ..	X. 3	0 12	0 14
Brakesmen	... ...	Y. 1	0 11	0 13
Oilers and Cleaners	... ...	Z. 2	0 10	0 12
Patrolling—				
Patrolmen	1st Grade ...	E. 2	2 2	3 3
,,	2nd ,, ...	M. 1	1 6	1 14
,,	3rd ,, ...	S. 4	1 0	1 4
Machinery Attendants—				
Compressor Attendants	1st Grade ...	Q. 6	1 2	1 8
,, ,,	2nd ,, ..	T. 3	0 15	1 2
,, ,,	3rd ,, ...	V. 5	0 13	0 15
A. C. Plant Attendants	1st Grade ...	S. 3	1 0	1 4
,, ,,	2nd ,, ...	V. 2	0 13	0 15
Convertor Sets Attendants (Surface)	1st Grade ...	T. 2	0 15	1 2
,, ,, ,,	2nd ,, ...	V. 3	0 13	0 15
Electric Fan, Motor & Pump Attendants (Surface)	1st Grade ...	V. 4	0 13	0 15
,, ,, ,,	2nd ,, ...	Y. 2	0 11	0 13
Crane operators	... ...	X. 2	0 12	0 14
Battery Charging Attendants	... ...	Y. 3	0 11	0 13
Motor Transport—				
Lorry, Taxi and Ambulance Drivers...	...	R. 7	1 1	1 6
Surface Labour Gangs—				
Head Mestries	... ...	Q. 1	1 2	1 8
Mestries	1st Grade ...	T. 1	0 15	1 2
,,	2nd ,, ...	V. 1	0 13	0 15
Labourers (including Trammers)	... ...	Z. 1	0 10	0 12
Women	... ...	A. B.	0 7	0 8
† Boys	... ...	A. A.	0 6	0 9
Sanitation—				
Line Mestries	1st Grade ...	S. 2	1 0	1 4
,,	2nd ,, ...	V. 1	0 13	0 15
Sweepers (Male)	... ...	Z. 4	0 10	0 12
,, (Female)	... ...	A. B.	0 7	0 8
† ,, (Boys)	... ...	A. A.	0 6	0 9
Water Tank Watchmen	... ...	Z. 3	0 10	0 12

* Classification according to importance of winders and/or shafts.

† Rate according to apparent age.

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Rates as amended
Pages 2 to 13.

ENGINEERING DEPARTMENT—(*concld.*) EMPLOYED UNDERGROUND.		Index No.	Rate of Pay Min. Rs. as.	Rate of Pay Max. Rs. as.
Underground Engineering—				
Fitter Mestries	... ...	A. 3	3 4	4 8
U./G. Fitters	1st Grade ...	E. 4	2 2	3 3
"	2nd " ...	M. 2	1 6	1 14
"	3rd " ...	S. 5	1 0	1 4
Craftsmen's Assistants	... ...	U. 17	0 14	1 0
Hoisting—				
* Winding Engine Drivers	1st Grade ...	D. 2	2 3	3 4
* " " "	2nd " ...	M. 5	1 6	1 14
* " " "	3rd " ...	R. 14	1 1	1 6
Small Hoist Drivers	1st Grade ...	S. 10	1 0	1 4
" "	2nd " ...	T. 14	0 15	1 2
Brakesmen	... ...	V. 18	0 13	0 15
Machinery Attendance—				
U./G. Convertor Set Attendants	... ...	S. 9	1 0	1 4
Electric Fan Motor and Pump Attendants	...	U. 12	0 14	1 0
Donkey Pump Drivers	... ...	V. 16	0 13	0 15
Oilers and Cleaners	... ...	V. 17	0 13	0 15
Miscellaneous—				
Labourers	... ...	V. 15	0 13	0 15

* Classification according to importance of winders and/or shafts.

SCHEDULE I(a).

WAGES SCHEDULE.

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Group	ELECTRICAL SECTION UNDERGROUND	Index No.	Rate of Pay Min. Rs. as.	Rate of Pay Max. Rs. as.
1	Head Mestries and Head Chargemen ...	1 A.	3 10	4 10
2	Mestries and Chargemen	2 A.	2 10	3 10
3	Telephone Operators, 1st Grade	3 A.	2 7	3 7
	2nd ,, ...	3 B.	1 14	2 4
4	Telephone Maintenance Inspectors ...	4 A.	2 4	3 5
5	Electric Fitters, Wiremen, Cable Jointers, Telephone and Signal Fitters, 1st Grade ...	5 A.	2 7	3 7
	2nd ,, ...	5 B.	1 11	2 3
	3rd ,, ...	5 C.	1 5	1 8
6	Battery Charging Station Chargemen ...	6 A.	2 7	3 7
16	Battery Charging Station— Attendants, 1st Grade	16 A.	1 11	2 3
	2nd ,, ...	16 B.	1 5	1 8
17	Cable Laying Hands, 1st Grade	17 A.	1 8	2 0
	2nd ,, ...	17 B.	1 2	1 6
25	Craftsman's Assistants	25 A.	1 1	1 2
	ELECTRICAL SECTION—SURFACE.			
1	Head Mestries and Head Chargemen ...	1 A.	3 10	4 10
2	Mestries and Chargemen	2 B.	2 7	3 7
7	Telephone Operators, 1st Grade	7 A.	2 3	3 3
	2nd ,, ...	7 B.	1 8	2 0
8	Electric Fitters, Wiremen, Armature Winders, Cable Jointers, Telephone Fitters, 1st Grade ...	8 A.	2 3	3 3
	2nd ,, ...	8 B.	1 7	1 15
	3rd ,, ...	8 C.	1 1	1 4
9	Power Linesmen, 1st Grade	9 A	1 15	2 13
	2nd ,, ...	9 B.	1 6	1 13
	3rd ,, ...	9 C.	1 0	1 4
12	Telephone Linesmen, 1st Grade	12 A.	1 9	2 5
	2nd ,, ...	12 B.	1 3	1 8
	3rd ,, ...	12 C.	1 0	1 2
23	Sub-Station Attendands, 1st Grade... ...	23 A.	1 2	1 6
	2nd ,, ...	23 B.	0 15	1 1
27	Craftsman's Assistants	27 A.	0 13	0 15
28	Labourers Sweepers	28 A.	0 13	0 14
29	Boys	29 A.	0 8	0 11
30	Women	30 A.	0 9	0 10
X21	Tea Boys, 1st Grade	X21 A.	1 4	1 10
	2nd ,, ...	X21 B.	1 1	1 4
	3rd ,, ...	X21 C.	0 15	1 1
	Apprentices, 1st year	...	0 5	...
	2nd ,, ...	...	0 7	...
	3rd ,, ...	...	0 9	...
	4th ,, ...	...	0 11	...
	5th ,, ...	...	0 13	...
	MECHANICAL SECTION—SURFACE.			
2	Mestries and Chargemen	2 B.	2 7	3 7
10	Fitters and Machinists, 1st Grade ...	10 A.	1 15	2 13
	2nd ,, ...	10 B.	1 6	1 13
	3rd ,, ...	10 C.	1 1	1 4
11	Welders—Gas and Electric, 1st Grade ...	11 A.	1 13	2 11
	2nd ,, ...	11 B.	1 4	1 10
	3rd ,, ...	11 C.	1 0	1 2
13	Blacksmiths, 1st Grade	13 A.	1 9	2 5
	2nd ,, ...	13 B.	1 3	1 8
	3rd ,, ...	13 C.	1 0	1 2
14	Moulders, 1st Grade	14 A.	1 9	2 5
	2nd ,, ...	14 B.	1 3	1 8
	3rd ,, ...	14 C.	1 0	1 2

Schedule I(*a*)—*concld.*

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Group	Mechanical Section—Surface—*contd.*	Index No.	Rate of Pay Min. Rs. as.	Rate of Pay Max. Rs. as.
15	Carpenters and Pattern Makers, 1st Grade ...	15 A.	1 9	2 5
	2nd ,, ...	15 B.	1 3	1 8
	3rd ,, ...	15 C.	1 0	1 2
18	Masons, 1st Grade	18 A.	1 6	1 13
	2nd ,, ...	18 B.	1 1	1 4
	3rd ,, ...	18 C.	0 15	1 1
19	Painters, 1st Grade	19 A.	1 6	1 13
	2nd ,, ...	19 B.	1 1	1 4
	3rd ,, ...	19 C.	0 15	1 1
20	Tinkers, 1st Grade	20 A.	1 6	1 13
	2nd ,, ...	20 B.	1 1	1 4
	3rd ,, ...	20 C.	0 15	1 1
21	Stores issuers	21 A.	1 4	1 10
22	Motor Transport Drivers	22 A.	1 3	1 8
23	Sweepers—Line Mestries, 1st Grade ...	23 A.	1 2	1 6
	2nd ,, ...	23 B.	0 15	1 1
24	Storemen, 1st Grade	24 A.	1 1	1 4
	2nd ,, ...	24 B.	0 14	1 0
26	Hammermen, 1st Grade	26 A.	0 15	1 1
	2nd ,, ...	26 B.	0 13	0 15
1	Assistant Charge Operators, 1st Grade ...	1 A.	3 2	4 6
	2nd ,, ...	1 B.	1 15	2 13
	3rd ,, ...	1 C.	1 5	1 12
2	Maistries ...	2 A.	2 7	3 6
3	Electric Fitters and Wiremen, 1st Grade ...	3 A.	2 3	3 3
	2nd ,, ...	3 B.	1 7	1 15
	3rd ,, ...	3 C.	1 1	1 4
4	Mechanical Fitters and Machinists, 1st Grade ...	4 A.	1 15	2 13
	2nd ,, ...	4 B.	1 6	1 13
	3rd ,, ...	4 C.	1 1	1 4
5	Battery Attendants and Masons, 1st Grade ...	5 A.	1 6	1 13
	2nd ,, ...	5 B.	1 1	1 4
	3rd ,, ...	5 C.	0 15	1 1
6	Machinery Attendants, 1st Grade	6 A.	1 4	1 10
	2nd ,, ...	6 B.	1 0	1 8
	3rd ,, ...	6 C.	0 13	0 15
7	Firemen, 1st Grade	7 A.	1 8	2 0
	2nd ,, ...	7 B.	1 0	1 4
	3rd ,, ...	7 C.	0 18	0 15
9	Craftsman's Assistants	9 A.	0 13	0 15
10	Boys	10 A	0 7	0 10

CHAMPION REEFS,
24th October 1949.

M. HAYATH,
Chief Electrical Engineer.

SCHEDULE I(b).

Group	A — Present Schedule: Min. Rs.	Min. as.	Biennial Increment Annas				Max. Rs.	Max. as.	B — Proposed New Schedule: Min. Rs.	Min. as.	Biennial Increment Annas				Max. Rs.	Max. as.	A to B — Difference Min. Annas	Difference Max. Annas
A																		
B																		
C	2	8	4	4	5	5	3	10	2	11	5	5	5	5	3	15	+3	+5
D	2	5	4	4	5	4	3	6	2	8	4½	4½	4½	4½	3	10	+3	+4
E	2	4	4	4	4	5	3	5	2	7	4	4	4	4	3	7	+3	+2
F	1	15	3	4	4	3	2	13	2	2	4	4	4	4	3	2	+3	+5
G	1	13	3	3	4	4	2	11	2	0	3½	3½	3½	3½	2	14	+3	+3
H	1	12	3	3	4	3	2	9	1	15	3½	3½	3½	3½	2	13	+3	+4
I																		
J	1	11	3	3	4	3	2	8	1	14	3½	3½	3½	3½	2	12	+3	+4
K	1	10	3	3	3	4	2	7	1	13	3½	3½	3½	3½	2	11	+3	+4
L	1	9	3	3	3	3	2	5	1	12	3	3	3	3	2	8	+3	+3
M	1	8	3	3	2	—	2	0	1	11	3	3	3	—	2	4	+3	+4
N	1	7	3	3	2	—	1	15	1	10	3	3	3	—	2	3	+3	+4
O	1	6	2	3	2	—	1	13	1	9	2	2	2	—	1	15	+3	+2
P	1	5	2	2	3	—	1	12	1	8	2	2	2	—	1	14	+3	+2
Q	1	4	2	2	2	—	1	10	1	7	2	2	2	—	1	13	+3	+3
R	1	3	2	2	1	—	1	8	1	6	2	2	2	—	1	12	+3	+4
S	1	2	2	2	—	—	1	6	1	6	2	2	—	—	1	10	+4	+4
T	1	1	1	2	—	—	1	4	1	5	2	2	—	—	1	9	+4	+5
U u	1	1	1	—	—	—	1	2	1	5	1	1	—	—	1	7	+4	+5
s	1	0	1	1	—	—	1	2	1	3	1	1	—	—	1	5	+3	+3
V u	1	1	—	—	—	—	1	1	1	4	1	1	—	—	1	6	+3	+5
s	0	15	1	1	—	—	1	1	1	2	1	1	—	—	1	4	+3	+3
W u	1	1	—	—	—	—	1	1	1	4	—	—	—	—	1	4	+3	+3
X	0	14	1	1	—	—	1	0	1	1	1	1	—	—	1	3	+3	+3
Y	0	13	1	1	—	—	0	15	1	0	1	1	—	—	1	2	+3	+3
Z	0	13	1	—	—	—	0	14	1	0	1	—	—	—	1	1	+3	+3
AA	0	8					0	11	0	11	1	1	1	—	0	14	+3	+3
AB	0	9					0	10	0	12	1	—	—	—	0	13	+3	+3

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SCHEDULE I(c).

K. G. F. Electricity Department		Equivalent Mines Groups.	A					B					Difference A to B	
			Present Schedule					Proposed New Schedule						
Classification Groups	Grade Group		Minimum	Biennial Increment			Maximum	Minimum	Biennial Increment			Maximum	Minimum	Maximum
			Rs. as.	Annas			Rs. as.	Rs. as.	Annas			Rs. as.	As.	As.
1a ...	A	—	—	—	—	—	—	—	—	—	—	—	—	—
2a ...	B	—	2 10	4	5	5	2	3 10	2 13	5	5	5	—	3 12	+3	+2
2b, 3a, 5a, 6a ...	C	—	2 7	4	4	5	3	3 7	2 10	4	4	4	4	3 10	+3	+3
4a ...	D	E	2 4	4	4	4	5	3 5	2 7	4	4	4	4	3 7	+3	+2
7a, 8a ...	E	—	2 3	4	4	4	4	3 3	2 6	4	4	4	4	3 6	+3	+3
9a, 10a ...	F	F	1 15	3	4	4	3	2 13	2 2	4	4	4	4	3 2	+3	+5
3b ...	G	—	1 14	3	3	—	—	2 4	2 1	3½	3½	—	—	2 8	+3	+4
11a ...	H	G	1 13	3	3	4	4	2 11	2 0	3½	3½	3½	3½	2 14	+3	+3
5b, 16a ...	I	—	1 11	3	3	2	—	2 3	1 14	3	3	3	—	2 7	+3	+4
12a, 13a, 14a, 15a ...	J	L	1 9	3	3	3	3	2 5	1 12	3	3	3	3	2 8	+3	+3
7b, 17a ...	K	M	1 8	3	3	2	—	2 0	1 11	3	3	3	—	2 4	+3	+4
8b ...	L	N	1 7	3	3	2	—	1 15	1 10	3	3	3	—	2 3	+3	+4
9b, 10b, 18a, 19a, 20a...	M	O	1 6	2	3	2	—	1 13	1 9	2	2	2	—	1 15	+3	+2
5c, 16b	N	—	1 5	2	1	—	—	1 8	1 8	2	2	—	—	1 12	+3	+4
11b, 21a, X21a ...	O	Q	1 4	2	2	2	—	1 10	1 7	2	2	2	—	1 13	+3	+3
12b, 13b, 14b, 15b, 22a	P	R	1 3	2	2	1	—	1 8	1 6	2	2	2	—	1 12	+3	+4
17b, 23a ...	Q		1 2	2	2	—	—	1 6							+3	+3
8c, 10c, 18b, 19b, 20b, 24a, X21b.	R	T	1 1	1	2	—	—	1 4	1 5	2	2	—	—	1 9	+4	+5
X21c ...	S	W	1 1	—	—	—	—	1 1	1 4	—	—	—	—	1 4	+3	+3
25a ...	T	Uu	1 1	1	—	—	—	1 2	1 4	1	—	—	—	1 5	+3	+3
11c, 12c, 13c, 14c, 15c	U	Vs	1 0	1	1	—	—	1 2	1 3	1	1	—	—	1 5	+3	+3
9c ...	V	—	1 0	1	1	2	—	1 4	1 3	2	2	—	—	1 7	+3	+3
18c, 19c, 20c, 23b, 26a	W	Vs	0 15	1	1	—	—	1 1	1 2	1	1	—	—	1 4	+3	+3
24b ...	X	X	0 14	1	1	—	—	1 0	1 1	1	1	—	—	1 3	+3	+3
26b, 27a ...	Y	Y	0 13	1	1	—	—	0 15	1 0	1	1	—	—	1 2	+3	+3
28a ...	Z	Z	0 13	1	—	—	—	0 14	1 0	1	—	—	—	1 1	+3	+3
30a ...	AA	AB	0 9	1	—	—	—	0 10	0 12	1	—	—	—	0 13	+3	+3

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Schedule I(c)—*contd.*

K. M. P. S.		Equivalent Mines Group	A					B					Difference A to B	
			Present Schedule					Proposed New Schedule						
Class Group	Grade Group		Minimum	Biennial Increment			Maximum	Minimum	Biennial Increment			Maximum	Minimum	Maximum
			Rs. as.	Annas			Rs. as.	Rs. as.	Annas			Rs. as.	As.	As.
1a	A	...	...	...			...	...	...			...	...	...
2a	B	...	2 7	4	4	5	3	3 7	2 10	4	4	4	4	3 10	+3	+3
3a	C	...	2 3	4	4	4	4	3 3	2 6	4	4	4	4	3 6	+3	+3
1b, 4a	D	F	1 15	3	4	4	3	2 13	2 2	4	4	4	4	3 2	+3	+5
7a	E	M	1 8	3	3	2	...	2 0	1 11	3	3	3	...	2 4	+3	+4
3b	F	N	1 7	3	3	2	...	1 15	1 10	3	3	3	...	2 3	+3	+4
4b, 5a	G	O	1 6	2	3	2	...	1 13	1 9	2	2	2	...	1 15	+3	+2
1c	H	P	1 5	3	3	1	...	1 12	1 8	2	2	2	...	1 14	+3	+2
6a	I	Q	1 4	2	2	2	...	1 10	1 7	2	2	2	...	1 13	+3	+3
3c, 4c, 5b	J	T	1 1	1	2	...	...	1 4	1 5	2	2	...	...	1 9	+4	+5
7b	K	...	1 0	1	1	2	...	1 4	1 3	2	2	...	...	1 7	+3	+3
6b	L	...	1 0	1	1	1	...	1 3	1 3	1	1	1	...	1 6	+3	+3
5c	M	V s	0 15	1	1	...	...	1 1	1 2	1	1	...	...	1 4	+3	+3
6c, 7c, 9a	N	Y	0 13	1	1	...	...	0 15	1 0	1	1	...	...	1 2	+3	+3
10a	O	...	0 7	1	1	1	...	0 10	0 10	1	1	1	...	0 13	+3	+3

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RULES PERTAINING TO THE SCHEDULE OF DAILY WAGE RATES.

1. This schedule shall be effective from provided that in no case will the present wage rate of any employee be reduced thereby.

2. New employees shall commence at the minimum rate for their respective classifications. Subsequent increases in pay shall be in accordance with Rule 4 below.

3. Employees transferred on the Company's initiative from one classification to another shall unless already in receipt of higher wages commence at the minimum rate of the new classification.

4. On completion of two years' service since commencement of employment or last increment as the case may be and provided the maxima for the concerned classifications are not exceeded employees with satisfactory attendance and conduct will be entitled to increments on the scales laid down for their group in the schedule.

In addition, employees who have been on the maximum of their group for 2 years will receive 50 per cent of their unit of increment and another 50 per cent after a further 2 years without prejudice to maximum rate in the Wages Schedule.

5. Increments in accordance with Rule 4 above will be authorised by the Head of the Department concerned. All other increments and charges in classification will be authorised by the Superintendent. Changes of classification will not be made unless a vacancy exists in the higher group.

6. An employee whose service with the Company has been voluntarily, or otherwise terminated, shall if re-engaged be regarded as a new employee for the purposes of this schedule.

7. The payment of daily wages where scheduled shall be adhered to in all future appointments.

8. For work in addition to the normal working hours in a day, OVERTIME will be paid at the rate of one and one half times the normal rate. The actual time worked will count as attendance for the purpose of Privilege Leave, Dearness Allowance and Clothing Allowance and Underground Weekly Attendance Bonus.

9. Employees in Underground Department will be paid a Bonus equivalent to half a shift (Basic Wage) for working 6 normal working days per week.

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SCHEDULE II.

Revised Schedule of Wages of Monthly-rated Employees.

Class.	*Salary.* Rs.	*Categories of Employees.*
D.	100—4—140	... 1. Clerks and Typists 2nd grade.
		2. Assistants Draughtsmen (Engineering Department).
		3. A.C.P. Operators.
		4. Assistant Sanitary Overseers 1st grade.
E.	65—3—95	... 1. Clerks and Typists 3rd grade.
		2. Tracers (Engineering Department).
		3. Assistant Sanitary Overseers 2nd grade.
F.	40—2—60	... 1. Junior Clerks and Head Peons.
G.	25—1—35	... 1. PEONS.
D2.	80—4—120	... 1. Assistant Foremen 1st grade (Underground Department).
		2. Assistant Foreman (Surveying Department Underground Department).
		3. Assistant Engineering Foreman (Underground Department).
C3.	120—5—170	... 1. Foreman 2nd grade (Engineering Department Surface).
		2. Shop chargemen (Engineering Department Surface).
		3. Assistant Assayers (Metallurgic Department).
		4. Foreman 2nd grade (Metallurgic Department).
D3.	80—4—120	... 1. Assistant Engineering Foreman (Surface).
		2. Shaft chargemen (Engineering Department Surface).
		3. Weighbridge Clerks (Engineering Department).
		4. Assistant Foreman 1st grade (Metallurgical Department).
		5. Weighbridge Clerks (Metallurgical Department).

SCHEDULE III.

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The drilling rates necessary to give *3 annas* per day increase for H. J. labour will be as under :—

Mysore Gold Mining Co., Ltd.

Inches Drilled per man.	PRESENT SCALE. Rate per inch 10 pies. Earnings. Rs. a. p.	REVISED SCALE. Rate per inch 12 pies. Earnings. Rs. a. p.
18	0 15 0	1 2 0
19	1 0 0	1 3 0
20	1 0 6	1 4 0
21	1 1 6	1 5 0
22	1 2 6	1 6 0
23	1 3 0	1 7 0
24	1 4 0	1 8 0
25	1 5 0	1 9 0
26	1 5 6	1 10 0
27	1 6 6	1 11 0
	Rate per inch 10½ pies. Rs. a. p.	*Rate per inch 12½ pies.* Rs. a. p.
28	1 8 6	1 13 0
29	1 9 6	1 14 0
30	1 10 0	1 15 0
31	1 11 0	2 0 0
32	1 12 0	2 1 6
33	1 13 0	2 2 6
34	1 14 0	2 3 6
35	1 14 6	2 4 6
36	1 15 6	2 5 6
	Rate per inch 11 pies. Rs. a. p.	*Rate per inch 13 pies.* Rs. a. p.
37	2 2 0	2 8 0
38	2 3 0	2 9 0
39	2 4 0	2 10 0
40	2 4 6	2 11 6
41	2 5 6	2 12 6
42	2 6 6	2 13 6
43	2 7 6	2 15 0
44	2 8 6	3 0 0
45	2 9 0	3 1 0
46	2 10 0	3 2 0
47	2 11 0	3 3 0
48	2 12 0	3 4 0

Oorgaum Gold Mining Co., Ltd. 286

	Rate 10 annas per foot.	Rate 11 annas per foot.
	Rs. a. p.	Rs. a. p.
6 ft. drilled per day per pair ...	3 12 0 per pair or 1 14 0 per man.	4 2 0 per pair or 2 1 0 per man.

Nundydroog Mines, Ltd.

		Rate per foot.	Rate per foot.
0 6 ft.	...	9 as.	10 as.
6′ 1″ 8 ft.	...	10 as.	10 as. 9 p.
8′ 1″ and over	...	11 as.	11 as. 9 p.

CHAMPION REEFS,
1st February 1950.

C. SUBRAHMANYA AIYAR,
Chairman.

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APPENDICES

APPENDIX I.

GENERAL SECRETARIAT. 288

No. S. R. 5946—*L.W.* 97-48-4, *dated* 13*th May* 1949.

In exercise of the powers conferred by clause (*a*) of sub-section (1) of section 6 read with section 9 of the Mysore Minimum Wages Act, 1949 (XXIX of 1949), the Government of His Highness the Maharaja are pleased to appoint a Committee consisting of the following persons to hold enquiries and advise the Government regarding the fixation of minimum rates of wages and minimum work-loads in respect of Employment in the Kolar Gold Field Mining and Metallurgical operations, namely :—

Independent Persons.

1. *Rajadharmaprasakta* Sri A. R. Nageshwara Iyer, B.A., B.L.
2. *Mushir-ul-Mulk* Janab J. Mohamed Imam, B.A., B.L.
3. Sri V. Venkatappa.

Representatives of Employees.

4. Sri S. O. Bagyanathan.
5. Sri Sundararajan.
6. Sri Ratnasabhapathy.

Representatives of Employers.

7. Mr. Peter Best.
8. Mr. D. H. Mc Call.
9. Mr. H. J. Skinner.

The Government are also pleased to appoint *Rajadharmaprasakta* Sri A. R. Nageswara Iyer as the Chairman of the said Committee.

The Assistant Commissioner of Labour at Kolar Gold Field will act as Secretary.

The Committee is requested to make their recommendations within a period of two months from date of publication.

MIR SAFDAR HUSSAIN,
General Secretary.

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PROCEEDINGS OF THE FIRST MEETING OF THE K. G. F. MINIMUM WAGE COMMITTEE HELD ON 19TH OCTOBER 1949 AT OORGAUM.

Members Present.

1. *Rajadharmaprasakta* Sri Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. *Mushir-ul-Mulk* Janab J. Mohamed Imam, B.A., B.L.
3. Sri V. Venkatappa.
4. Sri S. O. Bagyanathan.
5. Sri L. Sundararaja Iyengar.
6. Sri Rathnasabhapathy.
7. Mr. Peter Best.
8. Mr. T. Williams.
9. Mr. H. J. Skinner.

Secretary.—Sri T. Sadasivaya.

The Chairman welcomed the members and said that with their co-operation they will be able to submit to the Government their report within three months as desired by the Government. He then read the Government Order appointing the Committee and said that the terms of reference were to hold enquiries and advise the Government regarding the fixation of the minimum rates of wages and minimum workloads in respect of employment in the Kolar Gold Field Mining and Metallurgic operations. He said that he convened this meeting for fixing the details, the procedure, and the methods to be adopted for fixing the minimum wages and workloads.

Sri L. Sundararaja Iyengar desired to know if the Kolar Brick Making Company, Limited, came under the terms of reference. He said that it is supplying materials to the Mining Industry and is managed by Messrs. Jhon Taylor and Sons, and that it was desirable that this Board should fix minimum wages for this industry also. Mr. Bagyanathan and Mr. Rathnasabhapathy supported him. Mr. Peter Best said that the Brick Company was an independent concern and that it had no connection with the mining and metallurgical operations, that it was governed by the Factories Act and not by the Mines Act and that it supplied materials not merely to the Mining Companies but also several other concerns in Southern India. He was, therefore, of the view that the employees of the Brick Making Company did not come under the terms of reference. This was also the view of Messrs. Williams & Skinner. The Chairman observed that the Government Order referred only to the mining and metallurgical operations in the K. G. F. and that this Committee can reasonably concern itself only with employment in those operations or any process or branch of work forming part of such employment, according to the definition of "scheduled employment" in the Act.

He said that employment in brick-making operations is not mentioned in the Schedule to the Act and consequently minimum wages could not be fixed for such employment till the Government notify it as a scheduled employment. Messrs. J. Mohamed Imam and V. Venkatappa were of the view that the Brick Making Company did not come within the terms of reference. It was agreed that the Government may be requested to clarify the terms of reference whether the Kolar Brick Making Company, Limited, is included in the terms of reference or not.

Next Mr. Bagyanathan raised a point if the K. G. F. Hospital employees came under the terms of reference. The Chairman said that employment in hospitals does not come under the Schedule to the Act. On the suggestion of Mr. J. Mohamed Imam this question was postponed. Mr. Peter Best stated that monthly-paid employees such as the Supervisory Staff should be excluded in fixing the minimum wages. This question was also postponed.

The representatives of Labour Associations filed preliminary statements which merely raised a few questions as to the scope of the statements that were required from them. The representatives of the employers wanted some more time for filing their statements. The Chairman said that both parties may file full and detailed statements for fixing the minimum wages as also workloads.

It was agreed that both parties will send their statements to the Chairman on or before the 2nd November, that the Chairman will supply copies of the employees' statement to the employers and *vice versa* and that they will file their replies to the statements of the other on the 17th November.

It was agreed that the next meeting be held at Oorgaum at 1 P.M. on the 17th November with the possibility of its continuation on the 18th and 19th November also.

Proceedings were read and confirmed,

C. SUBRAHMANYA AIYAR,
Chairman.

28th November 1949.

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PROCEEDINGS OF THE SECOND MEETING OF THE K. G. F. MINIMUM WAGE COMMITTEE HELD ON 28TH NOVEMBER 1949 AT OORGAUM.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. Sri V. Venkatappa.
3. Sri S. O. Bagyanathan.
4. Sri L. Sundararaja Iyengar.
5. Sri Rathnasabhapathy.
6. Mr. Peter Best.
7. Mr. T. Williams.
8. Mr. H. J. Skinner.

Secretary.—Sri T. Sadasivaya.

Absent.

Mushir-ul-Mulk Janab Mohamed Imam, B.A., B.L., *Member.*

The Proceedings of the meeting held on 19th October 1949, were read and confirmed.

It was decided that the Proceedings will be held *in camera* unless the Committee decides otherwise on any occasion.

The statements of the five Labour Associations and the statement on behalf of the four Mining Companies and the Electricity Department were received by the Chairman on the 2nd November. Copies of the employers' statement were sent to the Labour Associations and *vice versa* on 4th November 1949, and the parties had been asked to file their replies at the next meeting.

At this meeting the statements of the Labour Associations and the employers were read, commented upon and discussed by the Members.

The Labour Associations wanted time to file their replies and promised to file them to-morrow. The meeting was adjourned to 29th November 1949.

Proceedings read and confirmed,

C. SUBRAHMANYA AIYAR,
Chairman.

6th December 1949.

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PROCEEDINGS OF THE THIRD MEETING OF THE K. G. F. MINIMUM WAGE COMMITTEE HELD AT OORGAUM ON 29TH NOVEMBER 1949.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. Sri V. Venkatappa.
3. Sri S. O. Bagyanathan.
4. Sri L. Sundararaja Iyengar.
5. Sri Rathnasabhapathy.
6. Mr. Peter Best.
7. Mr. T. Williams.
8. Mr. H. J. Skinner.

Secretary.—Sri T. Sadasivaya.

Absent.

Mushir-ul-Mulk Janab J. Mohamed Imam, B.A., B.L., *Member.*

The Labour Associations of the four mines filed their replies and it was stated that the reply of the Labour Association of the K. G. F. Electricity Department was the same. The reply of the employers also was filed. The replies were read out. After discussion the statement were analysed to ascertain the points that would come within the scope of the Minimum Wage fixation.

I. The Committee was of opinion that the following points raised in the statement of the Labour Associations will have to be taken into consideration in fixing Minimum Wages :—

(1) Basic Wages.

(2) Dearness allowance.

(3) Special allowance to welders. (Also referred to as Health Pay.)

(4) Sickness insurance (Only so far as it relates to expenses for any medical treatment).

(5) Provident Fund (In so far as it relates to the contribution made by the employee).

(6) Working Hours.

(7) Skilled or Semi-skilled workmen's pay.

(8) Rank Pay.

(9) Risk Pay (this gets merged in the higher rates given to underground workmen).

(10) Dress Allowance.

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II. The Committee was of the opinion that the following points did not come within the scope of the Minimum Wage fixation :—

(*a*) Highest Remuneration.

(*b*) Service Pay.

(*c*) Payment on cessation of employment.

(*d*) Privilege Leave.

(*e*) Contract System.

(*f*) Holidays with Pay.

(*g*) Changes in Standing Orders.

(*h*) Share in Profits.

(*i*) Technical Schools.

(*j*) Attendance Bonus.

(*k*) Production Bonus.

III. It was thought that the question whether the following come within the scope of the Minimum Wage fixation may be considered later on :—

(1) Night shift allowance.

(2) Periodical increment.

(3) Minimum salaries of monthly-rated employees.

IV. From the statements of the parties it appears that both are of opinion that it is not practicable at present to fix Minimum Workloads.

It was considered desirable that the Committee should visit some of the workmen's houses and also examine some workmen so as to find out the composition of and the average number of persons in the family of a workman on the Mines. It was decided that this may be done at the next sitting of the Committee.

It was agreed that the next meeting shall be held on 5th December 1949 and the following days at Oorgaum Guest House, Oorgaum.

Dress Allowance will be added as item 10 under I, *i.e.*, points to be taken into consideration in fixing minimum wages.

Proceedings were read and confirmed,

C. SUBRAHMANYA AIYAR,

Chairman.

6th December 1949.

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PROCEEDINGS OF THE FOURTH MEETING OF THE K. G. F. MINIMUM WAGE COMMITTEE HELD ON 6TH DECEMBER 1949 AT OORGAUM.

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Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. *Mushir-ul-Mulk* Janab J. Mohamed Imam, B.A., B.L.
3. Sri S. O. Bagyanathan.
4. Sri L. Sundararaja Iyengar.
5. Sri Rathnasabhapathy.
6. Mr. Peter Best.
7. Mr. T. Williams.
8. Mr. H. J. Skinner.

Secretary.—Sri T. Sadasivaya.

Absent.

Sri V. Venkatappa, *Member.*

The Proceedings of the meetings held on 28th and 29th October 1949 were read and confirmed.

Some of the points raised in the statements of the Labour Associations which had been reserved for re-consideration were discussed and the following decisions were arrived at :—

1. *Night Shift Allowance.*—This is not to be considered as a special allowance. Night shift for workers of a particular class will be part of the job and any weightage on that account will get merged in the minimum wage for that class of job.

2. *Periodical Increments.*—It is not within the scope of the Committee to fix the maximum wage or to recommend periodical increments.

After 3 P.M. the Committee divided into two batches and went to the workmen's houses to examine some workmen so as to find out the composition of and the average number of members in their families, and such other details. Messrs. C. Subrahmanya Aiyar, Peter Best, S. O. Bagyanathan and Rathnasabhapathy went to the Champion Reef Mine Lines and Messrs. J. Mohamed Imam, H. J. Skinner, T. Williams and L. Sundararaja Iyengar to the Mysore Mine Lines.

Read and confirmed,

C. SUBRAHMANYA AIYAR,
Chairman.

20th December 1949.

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PROCEEDINGS OF THE FIFTH MEETING OF THE K. G. F. MINIMUM WAGE COMMITTEE HELD ON 7TH DECEMBER 1949 AT OORGAUM.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. *Mushir-ul-Mulk* Janab J. Mohamed Imam, B.A., B.L.
3. Sri S. O. Bagyanathan.
4. Sri L. Sundararaja Iyengar.
5. Sri Rathnasabhapathy.
6. Mr. Peter Best.
7. Mr. T. Williams.
8. Mr. H. J. Skinner.

Secretary.—Sri Sadasivaya.

Absent.

Sri V. Venkatappa, *Member.*

9 A.M. to 12 NOON.—The members visited some of the workspots underground in the Nundydroog Mines to get an idea of the working conditions of the labourers. Visited also the Fitting Shop of the Oorgaum Mines. In the afternoon the members visited some of the workspots on the Surface—Mysore Mines Metallurgical operations.

It was decided that the next meeting may be held at Bangalore on the 20th and 21st of December 1949.

C. SUBRAHMANYA AIYAR,

10th December 1949.

Read and Confirmed,

C. SUBRAHMANYA AIYAR,
Chairman.

20th December 1949.

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PROCEEDINGS OF THE SIXTH MEETING OF THE K. G. F. MINIMUM WAGE COMMITTEE HELD ON 20TH DECEMBER 1949 AT THE LABOUR COMMISSIONER'S OFFICE, BANGALORE.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. Sri V. Venkatappa.
3. Sri L. Sundararaja Iyengar.
4. Sri S. O. Bagyanathan.
5. Sri Rathnasabhapaty.
6. Mr. Peter Best.
7. Mr. T. Williams.

Secretary.—Sri T. Sadasivaya.

Members Absent.

1. *Mushir-ul-Mulk* Janab Mohamed Imam, B.A., B.L.
2. Mr. H. J. Skinner.

The Proceedings of the meetings held on the 6th and 7th December 1949 were read and confirmed.

There was discussion about the retention or otherwise of the attendance bonus of Rs. 1-8-0 per month which is now being paid to a worker who is regular in attendance. The attendance bonus was Rs. 4-8-0 till 1946 and thereafter Rs. 3 got merged in the wages and Rs. 1-8-0 was given as attendance bonus. The general view of the members is that the attendance bonus of Rs. 1-8-0 is not enough to serve as an inducement or an incentive to regular attendance, and does not serve its original purpose. It was stated that the attendance underground may be 65 or 70 per cent and on surface 80 to 90 per cent. It was unanimously decided that the attendance bonus may be abolished and that this may be taken into consideration while fixing the minimum wages.

Next there were very long discussions in regard to the size and composition, and the consumption units of an average working class family in the K.G.F. The figures emerging from the survey of the family budgets of K.G.F. workers conducted by the Labour Commissioner's office in 1942, and from the investigation of this Committee by enquiries at the workers' houses, the Australian, American and English standards, and the Fair Wages Committee's recommendations were studied and discussed. According to the Survey by the Labour Commissioner's Office in 1942, the average number of units per family is 4·4 and the average number of earners per family is 1·28, and this works to 3·43 consumption units per earner. According to the Survey

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made by this Committee, the average units of a family applying Lusk's coefficients is 3·99 with 1·25 earners and this works to 3·19 per earner. Mr. Sundararaja Iyengar's view is that the standard family consists of one man, one wife and four children equivalent to 4½ consumption units (one child being taken as 1 unit and 3 other children ½ unit each). Mr. Rathnasabhapathy's view is that on the facts as appear from the investigations we may proceed on the basis that the consumption units per family is 3·43. Mr. Bagyanathan agrees with Mr. Rathnasabhapathy. Mr. Best, Mr. Williams, Mr. Venkatappa and the Chairman are of the opinion that it will be proper to take 3·43 as consumption units per average family as appears from the figures of the 1942 survey.

The meeting adjourned to 21st December 1949.

Read and Confirmed.

CHAMPION REEFS,
21st *December* 1949.

C. SUBRAHMANYA AIYAR,
Chairman.

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PROCEEDINGS OF THE SEVENTH MEETING OF THE K. G. F. MINIMUM WAGE COMMITTEE HELD ON 21ST DECEMBER 1949 AT THE LABOUR COMMISSIONER'S OFFICE, BANGALORE.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. Sri V. Venkatappa.
3. Sri L. Sundararaja Iyengar.
4. Sri S. O. Bagyanathan.
5. Sri Rathnasabhapathy.
6. Mr. Peter Best.
7. Mr. T. Williams.

Secretary.—Sri T. Sadasivaya.

Members Absent.

1. *Mushir-ul-Mulk* Janab Mohamed Imam, B.A., B.L.
2. Mr. H. J. Skinner.

The Committee examined Sri M. L. Anantharama Rao, Statistical Assistant to the Commissioner of Labour in Mysore, and recorded his statement in connection with a survey of family budgets of K. G. F. workers that he conducted about the end of 1942 and the commencement of 1943.

Mr. Gnanaprakasam, President, Champion Reef Labour Association, represented before the Committee the case of the Labour Associations as their spokesman.

The survey of the family budgets of K. G. F. workers conducted by the Labour Commissioner's Office in 1942 gives the quantities required for a worker with a family of 4·4 units under the several heads :—(1) Food, (2) Fuel and Lighting, (3) Clothing, (4) House-rent and (5) Miscellaneous. The cost of living of a worker with such a family for the year 1936 (base year) was worked out by the Chairman in the form of the working class cost of living index number by taking the quantities of consumption in the 1942 list and applying the 1936 prices and placed before the Committee.

I. From the list so worked out for 1936 it is found that the expenses on food is Rs. 12-10-9. Mr. Sundararaja Iyengar suggests that for the food item an increase of 25 per cent, *i.e.*, Rs. 3-2-6 should be added. His view is that the prices of 1936 as given in the list are underrated and the quantities are also lower.

Mr. Rathnasabhapathy considers that the following items should be added under food—(*a*) meat should be increased to 4 lbs. per month, *i.e.*, from Re. 0-8-0 to Re. 1. (*b*) Onions should be increased to 2 viss,

i.e., to Re. 0-2-8. (*c*) Groundnut oil should be increased to half viss, *i.e.*, Re. 0-4-0, and Gingelly oil to one viss, *i.e.*, Re. 0-10-0. (*d*) Chillies should be increased to one viss, *i.e.*, Rs. 0-7-8. (*e*) The several grams should be raised from Re. 0-11-7 to Re. 0-15-0. For the above increases he suggests that the amount on food should be increased by Rs. 1-3-3, *i.e.*, the total for food should be taken as Rs. 13-14-0.

Mr. Bagyanathan agreed with Mr. Rathnasabhapathy.

Mr. Pest considers that the figure of Rs. 12-10-9 as worked out in the list should be taken as correct as that is based on the investigated figures, that considerable weight should be attached to these figures and any departure from them would be arbitrary and not founded on fact.

Mr. Williams agrees with Mr. Best.

Sri V. Venkatappa says that we may proceed on the basis that food requirements in 1936 amounted to Rs. 12-10-9 as it appears in the list.

The Chairman is also of the same view.

II. *Fuel and Lighting.*—According to the list this requirement amounts to Rs. 1-9-4.

Mr. Sundararaja Iyengar wanted that Keresone may be increased to two bottles, *i.e.*, Re. 0-4-6.

Mr. Rathnasabhapathy suggests that the cost of fuel and lighting may be raised to Rs. 1-12-0 from Rs. 1-9-4.

Messrs. Best and Williams consider that the figures in the list should be taken as correct.

Mr. Venkatappa and the Chairman are for proceeding on the basis that the requirement for fuel and lighting amounted to Rs. 1-9-4 as in the list.

III. *Clothing.*– According to the list this requirement amounts to Rs. 1-15-10. Mr. Sundararaja Iyengar suggested that the expense in clothing may be raised to Rs. 2-8-0 from Rs. 1-15-10.

Messrs. Rathnasabhapathy and Bagyanathan say that the clothing cost may be raised to Rs. 2-4-0.

Messrs. Best, Williams, Venkatappa and the Chairman consider that the figure in the list, *i.e.*, Rs. 1-15-10 may be retained.

IV. *Housing.*—According to the list this requirement amounts to Re. 0-10-9.

Mr. Sundararaja Iyengar says that 60 per cent of the workers live in houses with a rent of Re. 0-8-0, 20 per cent in houses with a rent of Re. one, and 15 per cent in houses with a rent of Rs. 2-0-0 and that 5 per cent live in their own houses. According to him the average rent would work to Re. 0-12-9.

Messrs. Rathnasabhapathy and Bagyanathan say that according to their calculation the average would work to Re. 0-12-2.

Messrs. Best, Williams, Venkatappa and the Chairman are for retention of the figures in the list, *i.e.*, Re. 0-10-9.

V. *Miscellaneous.*—According to the list this requirement comes to Rs. 2-9-2. If some amount is allowed for expenses for dhobi, tobacco, postage, education, etc., it would amount to Rs. 3-5-9.

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Mr. Sundararaja Iyengar says that travelling expenses may be raised to Re. 0-8-0, Soapnut powder to Re. 0-3-2, Betel leaves and Supari to Re. 1 and Amusements to Re. 0-6-0. In all he suggests that the amount of Rs. 3-5-9 under this head may be raised to Rs. 4-6-2.

Messrs. Rathnasabhapathy and Bagyanathan agree with him.

Messrs. Best and Williams consider that the figure in the list may be taken as correct.

Mr. Venkatappa and the Chairman are for retention of the figures in the list under this head.

It was agreed that the next meeting of the Committee may be held at Oorgaum on the 11th January 1949.

Read and Confirmed.

CHAMPION REEFS,
9th January 1950

C. SUBRAHMANYA AIYAR,
Chairman.

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PROCEEDINGS OF THE EIGHTH AND NINTH MEETING OF THE K.G.F. MINIMUM WAGE COMMITTEE HELD ON 9TH AND 10TH JANUARY 1950 AT THE GOVERNMENT GUEST HOUSE, OORGAUM.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. Sri L. Sundararaja Iyengar.
3. Sri S. O. Bagyanathan.
4. Mr. Peter Best.
5. Mr. H. J. Skinner.
6. Mr. T. Williams.

Secretary.—Sri T. Sadasivaya.

Members Absent.

1. *Mushir-ul-Mulk* Janab Mohamed Imam, B.A., B.L.
2. Sri V. Venkatappa.
3. Sri Rathnasabhapathy.

The proceedings of the seventh meeting of the K.G.F. Minimum Wage Committee held on 21st December 1949 at the Labour Commissioner's Office, Bangalore, were read and confirmed.

Several points had been raised in the statements of the Labour Associations and the employers. These were discussed and decisions arrived at on those points as follows :—

1. *Provident Fund* :—The Provident Fund contribution may continue at 6¼ per cent *i.e.*, one anna in the rupee as at present. The employees' contribution to the Provident Fund has to be added to the minimum wage while fixing it.

2. *Rank Pay* :—Rank pay is really a margin allowed for skill or other qualifications in the wages to be fixed for the several categories and rank pay need not be taken into consideration specially as an allowance.

3. *Health Pay* :—Eye-screens provided for welders should be used and no special allowance is called for in the case of welders.

4. *Risk Pay* :—In the schedule of wages an underground worker is given 4 annas more than a surface worker and this may continue.

5. *Night Shift Allowance* :—No special allowance need be given on account of night shifts.

6. *Dress Allowance* :—An annual allowance of Rs. 10 is given to underground workers as dress allowance and this was introduced as part of the Safety First Campaign to protect the underground

workers from minor injuries. Messrs. Sundararaja Iyengar and Bagyanathan say that it may be increased to Rs. 12 per annum. Messrs. Best, Skinner, Williams and the Chairman are for retention of the present scale.

7. *Scavenging Allowance* :—Messrs. Sundararaja Iyengar and Bagyanathan suggest that Rs. 5 more per mensem be paid to each sweeper (male, women, or boy) in view of the offensive and dirty nature of their work. Messrs. Best, Skinner and Williams say that the present rates are ample as they are very high compared to the wages given to sweepers in the Sanitary Board and at Bowringpet and as almost every member in a sweeper's family is an earning member. The Chairman agrees with this view.

8. *Heavy work pay to Hammer-men* :—Mr. Skinner stated that all heavy hammering work is done by air-operated hammers and that Hammer-men very seldom are called upon to work with excessively heavy hammers. It was agreed that there was no case for any special allowance.

9. *Cash value of rations supplied* :—It was stated that the Companies purchase from Government Depots at controlled rates and sell rationed articles at cheaper rates to the workmen. The cash value of this concession is stated to amount to Rs. 2-9-9 per mensem. It was agreed that this arrangement may continue and that the cash value of this concession may be taken into consideration when fixing the Dearness Allowance.

10. *Monthly-rated Employees* :—It was agreed that only such of the monthly-rated employees whose pay does not exceed Rs. 115 per month need be considered for fixation of minimum wages. Mr. Best said that he will furnish a list of the monthly-rated employees other than those in the schedule of wages and the salaries of such monthly-rated employees.

11. *Working Hours* :—Mr. Sundararaja Iyengar said that 8 hours work per day may continue for surface men, but for underground men he suggested 7 hours work. Mr. Bagyanathan was of the view that 8 hours work may continue for underground men also, but he was particular that an underground worker should be left free at the Shaft Head at the end of 8 hours and there should be no delay in Hoisting. He considers that the Night Shift should be 7 hours. Messrs. Best, Skinner and Williams say that a shift is 8 hours from bank to bank on the average, and ordinarily there is no delay. They consider that there is no ground for changing the 8 hours working day and any change is extremely detrimental to the industry and uneconomical. The Chairman also agrees with this view.

12. *Overtime* :—Messrs. Sundararaja Iyengar and Bagyanathan considered that double the normal rate should be paid for overtime work and that overtime work should be calculated on the wages including Dearness Allowance. Messrs. Best, Skinner and Williams stated that overtime at present is 1½ times the basic wage excluding Dearness Allowance and that this arrangement should continue. The Chairman said that the question whether overtime under the Minimum Wages Act should be calculated on the wages including Dearness Allowance or on the basic wages has to be further studied and considered.

13. *Piece-work Rates* :—Mr. Best said that Hand-Jumper men are the only workers that do work on the piece-work system and that there is a special schedule with regard to it. He was requested to give a note and the schedule with regard to this.

14. *Women's Wages* :—Women are now given a minimum of nine annas. They are mostly employed as sweepers in the Sanitary Department on the surface and some are employed for doing fetch-and-carry work on the surface. It was agreed that the present wage may continue subject to such increase as may be given by this Committee while fixing the minimum wages.

15. *Apprentices and Boys* :—There is no system of apprenticeship as such. Sons of employees are admitted for training in the Mines' Workshops. They were paid from 6 annas to 14 annas in the course of 5 years. Persons between 15 to 17 are treated as boys and are paid from 8 to 12 annas. It was agreed that the system may continue subject to such increases as may be given when fixing the minimum wages.

16. *Motor Transport Drivers* :—They are in the wage schedule getting Rs. 1-3-0 to Rs. 1-10-0 per day. The opinion was that there is no reason to take them out of the wage schedule.

17. *Casual Labour* :—Males get Re. 0-13-0 plus Re. 0-8-0 special allowance and women get Re. 0-10-0 *plus* Re. 0-8-0 special allowance and there is no need for any change.

18. *Benefits and Amenities* :—Benefits and incentives such as Production Bonus, Welfare Work, Canteens, etc., cannot be taken into account when fixing minimum wages. House rent can be deducted under the Minimum Wages Act and cash value of food concessions will be considered under Dearness Allowance. It was stated that it costs the companies about 8·28 annas per shift on the average for special allowance and welfare services.

19. *Workload* :—It was agreed that it is not practicable in the present circumstances to fix workloads.

20. *Job classifications, Semi-skilled, Skilled, Margins and Differentials* :—It was agreed that the Committee may accept the distinctions in grade and the wage differentials as found in the wage schedule of the employers. Whatever increase, if any, is given to the unskilled worker in his basic wage and dearness allowance, the same increase will be given to the workers in the higher categories also.

21. *Minimum Basic Wage for an unskilled worker* :—It was agreed that 1936 may be taken as the base year with index 100 and that the basic wage may be fixed for an index of 160 as suggested by the Central Pay Commission and the Fair Wages Committee, and that cost of living allowance (Dearness Allowance) may be granted for the increased cost of living. There was a long discussion in regard to the minimum basic wage and some members wanted time to consider the implications. Figures were worked out in regard to the expenses of an average family for an index of 160 (base 100 being for the year 1936) according to the suggestions made by members at the previous meeting.

According to Mr. Sundararaja Iyengar's suggestion, the basic cost of living for such a family for index 160 will be Rs. 41-4-8, working to Rs. 1-9-5 per day taking the month as 26 working days.

According to the suggestions of Messrs. Rathnasabhapathy and Bagyanathan for an index of 160 this came to Rs. 27-12-5 per month or Rs. 1-1-1 per day.

According to the figures of the Family Budget Survey of K.G.F. workers made by the Labour Commissioner's Office in 1942, the cost of living raised to index number 160, came to Rs. 24-5-9 (or Rs. 25-4-8 allowing for some extras) and this works to Re. 0-15-0 or Re. 0-15-7 as the case may be per day. Adding one anna per rupee on account of Provident Fund this will amount to Re. 1-0-0 or Rs. 1-0-7.

These figures derived from the 1942 Family Budget Survey were considered by all the members other than the representatives of labour, as giving a fairly accurate position of the cost of living of an average worker's family in K.G.F. for the base year. The Chairman made a tentative suggestion that it would appear from these figures that Rupee one per day would be a fair and reasonable minimum basic wage for an unskilled surface worker *i.e.*, an increase of Re. 0-3-0 per day on the present basic wage and that three annas increase may be given to all categories of workers. This would mean an increase in the Wage Bill of the companies to the extent roughly about 10 lakhs of rupees after deducting the Attendance Bonus which is being paid now.

The employer's representatives wanted time to consider the financial implications of this suggestion and also to consider what alternative suggestion they would propose. Messrs. Sundararaja Iyengar and Bagyanathan also wanted time to consider the matter from the point of view of labour. They all said they would be ready with their proposals by the next meeting.

22. *Dearness Allowance* :—At present a dearness allowance of Rs. 22 is being paid. Besides this, the cash value of subsidized rationed food given to the employees is stated to be Rs. 2-9-9. In effect, each employee gets a dearness allowance of Rs. 24-9-9. In the statement of the Lobour Associations a dearness allowance on a par with that granted by the Central Government is claimed. According to the Central Pay Commission Report the minimum dearness allowance at an index of 260 was fixed at Rs. 25. Granting that for an index of 300, the dearness allowance may go up to Rs. 35 for the Central Government employees, it was the opinion of the members that the dearness allowance paid at present is fair and reasonable for a local area like the Kolar Gold Field. Messrs. Sundararaja Iyengar and Bagyanathan wanted time to consider this matter also.

It was agreed that the next meeting may be held at the Labour Commissioner's Office, Bangalore, on the 23rd January 1950 at 12 NOON and that definite decisions may be arrived at on these points on that day.

Read and Confirmed.

C. SUBRAHMANYA AIYAR,
Chairman,
K.G.F. Wage Committee.

Bangalore,
23rd January 1950

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PROCEEDINGS OF THE TENTH MEETING OF THE K.G.F. MINIMUM WAGE COMMITTEE HELD AT THE LABOUR COMMISSIONER'S OFFICE ON THE 23RD JANUARY 1950.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. *Mushir-ul-Mulk* Janab Mohamed Imam, B.A., B.L.
3. Sri L. Sundararaja Iyengar.
4. Sri S. O. Bagyanathan.
5. Mr. Peter Best.
6. Mr. T. Williams

Secretary.—Sri T. Sadasivaya.

Absent.

1. Sri V. Venkatappa.
2. Sri Rathnasabhapathy.
3. Mr. H. J. Skinner.

Copies of the main portion of the draft report had been sent to the members. This was read through.

Overtime.—The Committee is of opinion that the overtime should be 1½ times the basic wage and proportionate dearness allowance to the actual time worked at the normal rate be added on to it.

Messrs. Sundararaja Iyengar and Bagyanathan are for overtime being twice the basic wage and dearness allowance taken together.

Read and Confirmed.

C. SUBRAHMANYA AIYAR,
Chairman.

4-2-1950.

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PROCEEDINGS OF THE ELEVENTH MEETING OF THE K.G.F. MINIMUM WAGE COMMITTEE HELD AT THE LABOUR COMMISSIONER'S OFFICE ON THE 24TH JANUARY 1950.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. *Mushir-ul-Mulk* Janab Mohamed Imam, B.A., B.L.
3. Sri V. Venkatappa.
4. Sri L. Sundararaja Iyengar.
5. Sri S. O. Bagyanathan.
6. Mr. Peter Best.
7. Mr. T. Williams.

Secretary.—Sri T. Sadasivaya.

Absent.

1. Sri Rathnasabhapathy.
2. Mr. H. J. Skinner.

In regard to the rates of Minimum Wage the Committee's conclusions were as follows :—

1. The minimum basic wage for an unskilled surface worker should be fixed at Re. 1 per day for an index number of 160. An increase of three annas per day should be given to all categories of workers.

2. The cost of living allowance (dearness allowance) may be fixed for the present at Rs. 22 per month. It may be paid at the rate of Rs. 22 per month to all employees.

3. The supply of essential commodities at concession rates to the workers may be continued, the cash value of such concession at present being Rs. 2-9-9. If the cash value of this concession decreases, the difference should be added on to the dearness allowance. The representatives of the employees are not agreeable to the rates mentioned above.

It was agreed that the next meeting may be held at Bangalore on the 4th February 1950 for signing the Report.

Read and Confirmed.

C. SUBRAHMANYA AIYAR,
Chairman.

4-2-1950.

3007

PROCEEDINGS OF THE TWELFTH MEETING OF THE K.G.F. MINIMUM WAGE COMMITTEE HELD AT THE LABOUR COMMISSIONER'S OFFICE, BANGALORE ON 4TH FEBRUARY 1950.

Members Present.

1. *Rajadharmaprasakta* Sri C. Subrahmanya Aiyar, B.A., B.L. (*Chairman*).

Members.

2. Sri V. Venkatappa.
3. Sri L. Sundararaja Iyengar.
4. Sri Rathnasabhapathy.
5. Sri S. O. Bagyanathan.
6. Mr. Peter Best.
7. Mr. T. Williams.
8. Mr. H. J. Skinner.

Absent.

Mushir-ul-Mulk Janab Mohamed Imam, B.A., B.L.

The report of the Committee prepared by the Chairman and also the dissenting notes of Messrs. Sundararaja Iyengar, Rathnasabhapathy and Bagyanathan were gone through. The report was signed by the members. Janab Mohamed Imam could not sign the report as he was not present. But after perusal of the draft report he had informed the Chairman that he approved of it. A copy of the report has been sent to him and his letter is awaited.

The Representatives of the employers and the Representatives of employees and Mr. Venkatappa desire to place on record their high appreciation of the work of the Chairman in the conduct of this enquiry and the deliberations of the Committee and in the drafting of the report.

C. SUBRAHMANYA AIYAR,
Chairman.

4-2-1950.

APPENDIX III.

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STATEMENT SUBMITTED BY THE NANDYDROOG MINE LABOUR ASSOCIATION

TO

THE KOLAR GOLD FIELDS MINIMUM WAGE BOARD.

I. A Brief Survey of the History of Labour in Kolar Gold Fields.

About sixty years ago, various Gold Mining Companies began their operations in Kolar Gold Fields. The Mining pioneers found it extremely difficult to recruit labour. People of the neighbouring villages stoutly refused to get themselves engaged as Mining labour, though they were offered good wages. So the Mining companies had to send their agents to Tamilnad and Malabar to recruit labour. Partly due to love of enterprise and partly allured by the promises of these Agents, hefty Tamilians and Malayalies came to Gold Fields and got employed under the Mining Companies. These workmen were the predecessors of the present Mining labourers, who are comparatively physically weaker and are suffering from debilitating diseases, as Tuberculosis and Silicosis; as a consequence of working in unnatural environments. The first workers, of course, were paid good wages to keep them on to the Fields.

For the first two decades, the Mining Companies which were not under one common management and due to paucity of labour, on the whole, were paying their skilled workmen very fair wages. Most of the pioneer Mining Engineers were large-hearted men who took a lively interest in the well-being of the workers.

During the next decade, many Mining Companies ceased their operations and only five of them survived. These were brought under a common management and much consolidation work was done thereafter, for the healthy growth of the Mining Companies, but virtual exploitation of the labour for the benefit of the Mining Companies, began from that period.

After the Great War, thanks to un-employment people from far and wide came flocking to the Fields, seeking employment. Supply of labour was more than the demand. The keen Mining Management was not slow to take advantage of this position. New labourers were employed on very low wages, avarice of the mining contractors got whetted and unskilled labour was ground for profit.

This ended in the historic strike of 1929, which forced the contractors to the position of glorified Foremen. But disorganised as the labour was, the Mining Companies made huge profits, but wages of the workers did not improve. The inadequacy of the labourers income gave the Money-lenders a fruitful chance to pile their fortune. The World War II found the K.G.F. workers in economic distress and mounting cost of living since 1942 worsened their condition. It is a sad commentary on the Mining Management that the organised labour had to put up a stiff fight for every little material gain from 1942.

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II. Present Economic Position of Labour in Kolar Gold Fields.

The Labour Associations in K.G.F. had to focus their activities in ameliorating the economic condition of labour, 80 per cent of the workers do not have a house of their own or an inch of land in any part of India. The average indebtedness of a worker is about Rs. 200. To redeem the worker from the economic limbo, which he is in, he must be allowed a monthly minimum income, which will meet all the expenses as shown in Appendix I.

III. Proposals on the Fixation of Wages.

Appendix II—(*a*) Daily Wages.
(*b*) Monthly-rated Employees.

Dearness Allowance.—

Every employee should be given dearness allowance on par with the employees of the Government of India.

IV. Work-Load.

The workers have been underfed for the past 7 years. This is not the opportune moment to impose any work-load. In many departments, it is virtually impossible to fix any work-load. Any arbitrary imposition of work-load may lead to harassement of workers by their bosses and consequent unrest.

Special Allowance to Welders.

As welding causes slow injury to the eyes of the welder, he must be given a special allowance of Rs. 10 a month as a compensation.

Highest Remuneration.

No employee of the mines may receive a monthly remuneration of more than five hundred rupees except when he is an expert. But a foreigner may receive a monthly overseas pay which should not exceed five hundred rupees.

Sickness Insurance.

Any employee on being treated for any sickness, injury or indisposition in the Company's hospital or any Government Hospital shall be entitled to receive Sickness pay for the period of such medical treatment, irrespective of the fact that he is entitled to receive compensation for injury.

If an employee is unfitted owing to Silicosis or Tuberculosis, he must be paid an amount equal to 180 days' wages for further treatment of the disease in addition to the compensation.

Service Pay.

Employees on terminating or being forced to terminate their services shall be entitled to receive one month's pay for every year of service with any of these mining companies or auxiliary establishments. For the calculation of the service pay only the last month's pay is to be considered.

Provident Fund. 3/6

Every employee must be made to contribute 10 per cent of his monthly earnings to the Provident Fund and the employer must contribute an equal sum to the fund which is to be paid to the employee when he terminated his services or his services are terminated with.

Payment on Cessation of Employment.

Notwithstanding any provision in the standing orders, service pay rules or Provident Fund rules, every employee on terminating his services or being forced to terminate his services for any reason, shall be paid his Provident Fund Contribution, both by himself and by the employer, Service Pay, Privilege Leave pay, Dress Allowance and any other allowance or bonus that amount can be expressed in terms of money, within 15 days from the day of termination and on his death or insanity or disappearance all such monies shall be paid to his nominee or dependants.

Privilege Leave.

In addition to the days granted as Privilege Leave the underground worker should get 9 days' paid casual leave and the Surface worker 7 days' paid casual leave.

An underground worker earns his privilege leave and paid casual leave, if he works 240 days during the previous year and a Surface worker 250 days.

Working Hours.

Working hours of the mine worker should be reduced to six hours per shift.

Contract System.

Contract system should be abolished forthwith.

Holidays With Pay.

General :

Christmas.
Pongal.
May Day.
Hindus—All existing Holidays.
Onum—Malayalies only.
Good Friday—Christians only.
Muslims—All existing Holidays.

In granting the above holidays, underground worker and surface worker should be treated alike.

Changes in Standing Orders.

Notwithstanding any provision in the standing orders, no employee is to be punished before the charges against him being substantiated before a committee consisting of the representatives of the employer, employee and the Labour Department.

No employee should be discharged by the employer without assigning any reason. If an employee is tried in a court of law for

theft or meddling with company's property and is acquitted, he should be reinstated unconditionally.

Share in the Profits.

Unless the employees are assured of a share in the profits of the mine they will not be interested in increasing the production. During the pre-war years the mining companies made enormous profits and the workers grudgingly looked on. During the war and after, the price of gold increased five-fold but the only party that benefited by this rise is the Government. Employees were not treated fairly. This unfair state of affair must cease. The employees, employer and the Government should have equitable share in the profit.

Technical Schools.

A Technical school must be established on every mine to teach the mining employees, technic of mine works.

APPENDIX I.

Monthly expenses of typical unskilled labourers' family of six members.

Food	*Ration*	*Need*	*Cost* Rs.	a.	p.
Grains—Rice or Wheat (Purchased at Ration Stall).	36 seers	45 seers	11	12	0
Ragi ...	9 ,,	30 ,,			
Purchase from the Black market—Rice ...			10	2	0
Ragi ...			10	8	0
Jaggery 4 viss required ...			4	0	0
Coffee 1½ lbs. ...			3	6	0
Milk and curds ...			6	0	0
Dhall 4 seers ...			2	12	0
Blackgram dhal ½ seer ...			0	12	0
Gingelly oil 4 bottles ...			4	10	0
Cocoanut oil ...			0	8	0
Soapnut powder ...			0	8	0
Chillies 1 viss ...			3	2	0
Tamarind ½ viss ...			0	8	0
Salt 3 seers ...			0	6	0
Onions and other condiments			5	0	0
Vegetables including cocoanuts			9	0	0
Meat, fish or eggs ...			8	0	0
Fuel and lighting ...			10	0	0
Washing and dhobi ...			3	0	0
House rent ...			5	0	0
Average monthly expenses on clothing			5	0	0
Posts, furniture, travelling, education, medical treatment and sundries.			5	0	0
Saving for marriages, festivals and other ceremonies.			5	0	0
Entertainment and other conveniences			5	0	0
		Total ...	118	14	0

APPENDIX II (a).

Wages.

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Every adult daily-rated employee should be paid daily minimum wages of Rs. 1-8-0. In addition to this Basic Wages, workmen may earn, Attendance, Bonus, Skilled or Semi-skilled workmen's pay, Rank pay, Risk pay, Health pay, Night-shift allowance or any other special wages according to the nature of their work. The proposed wages schedule is appended hereto.

Periodical Increment.

Every employee should get an annual increase in his pay at the rate of 10 per cent of his or her minimum grade pay.

When these new wage-rules are enforced every employee should get such amount of money as daily wages or monthly salary if these rules were in force on the first day of his appointment. But under no circumstances the wages or salary of an employee be reduced.

Over-Time.

Every hour worked over-time or on a holiday must be accounted as two hours for the sake of payment.

Night-shift Allowance.

Every employee should get an addition of annas two (0-2-0) to his daily wages for night-shift work.

Dress Allowance.

Surface workers should be given an annual dress allowance of Rs. 15 and underground workers Rs. 20.

Housing.

All employees should be provided with wholesome houses. In case an employee is not provided with a house, he must be given a house-rent allowance amounting to 12½ per cent of his monthly pay.

Production Bonus.

Production bonus must be paid to a worker in proportion to the number of days worked in the month, irrespective of his earning attendance bonus.

Scavenging Allowance.

Scavengers should be given in addition to their pay, a monthly allowance of Rs. 10 each.

APPENDIX II(b).

Minimum salaries of monthly-rated employees. 313

	Occupation and Departments.	*Minimum monthly salary.*
		Rs.
1.	Peons	45
2.	Junior Clerks (General Office), Head peons, Disc clerks (underground section), Gate clerks, Sub-Overseers (Sanitary Department), Junior contract clerks (underground section).	65
3.	III Grade clerks and Typists, Contract senior clerks (underground section), Tracers (Engineering Department), II Grade Assistant Overseers (Sanitary Department).	90
4.	II Grade clerks and Typists (General Office), Assistant Draftsman and A.C.P. Operators (Engineering Department), I Grade Assistant Sanitary Overseers (Sanitary Department), Technical Assistants, (underground section, Survey, Underground Engineering, Surface Engineering), Weigh bridge clerks, (underground Department), Technical Assistants (Metallurgical Department), Weigh bridge clerks (Metallurgical Department).	130
5.	I Grade clerks, and Typists (General Office), II Grade Draftsmen (Survey), (Engineering Department), Sanitary Overseers, (Sanitary Department), II Grade Foremen (underground Department), Sample Foremen (Survey), II Grade Foremen (underground Engineering Department), II Grade Foremen and Shaft Chargemen (Surface and underground Departments), Assistant Assayers and II Grade Foremen (Metallurgical Department).	170
6.	Head Section clerks (General Office), Head clerk (underground Time Office), I Grade Draftsmen (Survey), Head clerks (Metallurgical Department), Head clerks and I Grade Draftsmen (Engineering Department), Chief Sanitary Overseers (Sanitary Department), I Grade Foremen (underground Department), Survey Assistants (Survey), Engineering Assistants (underground Engineering Department), I Grade Foremen and Engineer Assistants (Surface and underground Departments), Metallurgical Assistants and I Grade Foremen (Metallurgical).	250

Daily Wages Schedule.

Departments	Minimum Wages per Diem		Attendance Bonus	Rank Pay	Skilled (workmen's) (Artisans') Pay	Semi-skilled Workmen's Pay	Risk Pay	Health Pay	Heavy Work Pay	Night Shift Allowance	Special Bonus or Allowance
	Permanent	Temporary (dearness)									
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. Sanitary Surface—											
Sweeper—Male	1 8 0	...	...	...	...	...	...	...	...	...	*
Female	1 8 0	...	...	...	...	...	...	...	...	...	...
Boys	1 4 0	...	...	...	...	...	...	...	...	...	...
Maistry	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
2. Sanitary Building—											
Concrete moulding men ... ... (Masons and other labourers to be paid as in Eng. Dept.)	1 8 0	...	...	...	0 8 0	...	...	...	...	...	...
3. General Sur. Labrs.—											
Trammers and other labourers ...	1 8 0	...	...	...	...	...	...	...	...	...	...
Boys	1 4 0	...	...	...	...	...	...	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
Head-Maistries	1 8 0	...	...	2 0 0	...	...	...	...	...	...	...
Foremen	1 8 0	...	...	3 8 0	...	...	...	...	...	...	...
4. Drivers—											
Motor Transport to be paid monthly. (Monthly pay of Rs. 100 and Dearness Allowance).	...	...	...	...	...	...	...	...	...	...	‡
5. Engineering Workshops—											
1. Black-smiths I grade ...	1 8 0	...	...	...	3 8 0	...	...	...	...	...	...
II grade ...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
III grade must be abolished.											
2. Moulders	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
3. Fitters	1 8 0	...	..	...	2 8 0	...	...	...	...	...	...

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4. Machinists ... * ...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
5. Carpenters	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
6. Platers	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
7. Boiler-Smiths	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
S. Hand-Jumper Smiths... ...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Welders	1 8 0	...	...	...	2 0 0	...	...	10 0 0 for injury to eyes.	...	...	...
Tinkers	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Sawyers	1 8 0	...	...	...	1 4 0	...	...	...	...	...	...
Painter and Polishers	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Saw-Sharpeners	1 8 0	...	...	...	0 8 0	...	...	...	...	...	...
Hammer-men	1 8 0	...	...	...	1 0 0	...	...	...	1 0 0	...	...
Craft-men Assts.	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Work-shop Maistries	1 8 0	...	...	1 0 0	3 8 0	...	...	...	...	...	...
6. Pipe Fitters—											
I grade	1 8 0	...	...	0 8 0	1 8 0	...	...	...	...	...	...
II grade	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Out-door fitter Maistries... ...	1 8 0	...	...	2 0 0	3 8 0	...	...	...	...	...	...
Out-door fitter	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Masons	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
7. Hoisting (Surface)—											
Drivers I grade	1 8 0	...	...	...	3 8 0	...	...	...	...	...	...
II grade	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
III grade	1 8 0	...	...	...	1 8 0	...	...	...	...	...	...
Brakes-men	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Oilers and Cleaners	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
8. Machinery and attendants ...	1 8 0	...	...	...	1 8 0	1 0 0	...	...	...	...	...
Air Condition Plant Attenders ...	1 8 0	...	...	...	...	0 12 0	...	...	...	...	...
Converter sets	1 8 0	...	...	...	...	...	...	...	...	...	...
Electric Fans, Motors, Pumps, Crane Operators and Battery charge Attenders.	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...

*Rs. 10 0-0 as monthly scavenging allowance.
†Uniforms to be supplied.

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Daily Wages Schedule—*contd.*

Departments	Minimum wages per Diem: Permanent	Minimum wages per Diem: Temporary (dearness)	Attendance bonus	Rank pay	Skilled (Workmen's) (Artisans') pay	Semi-skilled workmen's pay	Risk pay	Health pay	Heavy work pay	Night shift allowance	Special bonus or allowance
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
9. U/G Engineering—											
Fitters I grade ...	1 8 0	...	...	...	3 8 0	...	0 4 0	...	...	...	...
II grade ...	1 8 0	...	...	...	2 8 0	...	0 4 0	...	...	...	...
Hoisting Winding—											
Drivers I grade ...	1 8 0	...	...	...	5 4 0	...	0 4 0	...	...	...	...
II grade ...	1 8 0	...	...	...	1 12 0	...	0 4 0	...	...	...	...
III grade ...	1 8 0	...	...	...	1 8 0	...	0 4 0	...	...	...	...
Brakes-men ...	1 8 0	...	...	...	...	0 12 0	0 4 0	...	...	...	...
Converter sets Attendants ...	1 8 0	...	...	...	...	1 0 0	0 4 0	...	...	...	...
Electric fans Motor and pumps ...	1 8 0	...	...	...	...	0 12 0	0 4 0	...	...	...	...
Craft-men Assistants ...	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Other Labourers ...	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
10. Metallurgical Department—											
Assay and Smelters Rooms:											
Head Furnace-men ...	1 8 0	...	...	1 0 0	1 8 0	...	...	...	...	...	...
Furnace-men I grade ...	1 8 0	...	...	0 8 0	1 0 0	...	...	...	...	...	...
II grade ...	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Attendants ...	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
11. Stamp-mill and Tube-mill—											
Blanket-Operators ...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Battery Shift men I grade	1 8 0	...	...	...	...	1 8 0	...	...	...	...	...
II grade	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Assistants ...	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Cyanade-plant and Filter Maistries ...	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...
Assistants ...	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Blanket Leaf ...	1 8 0	...	...	1 0 0	...	...	...	...	...	...	...

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Stitchers I grade ...	...	...	...	...	...	...	...	...	...	...	...	...
II grade ...	...	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
III grade ...	...	1 8 0	...	...	...	...	0 4 0	...	...	...	.	...
Collector Gang Labourers	...	1 8 0	...	...	...	...	...	...	...	...	...	...
12. Stores—												
Stores Issuers ...	...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Store-men I grade ...	...	1 8 0	...	...	0 4 0	...	0 8 0	...	...	...	...	...
II grade ...	...	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
Labourers ...	...	1 8 0	...	...	...	...	...	...	...	...	...	...
13. Surface-Contract—												
Picking-Floor and Bandi Push :												
Men and Women ...	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Boys ...	...	1 4 0	...	...	...	...	...	...	...	...	...	...
Mill incline ...	...	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Picking Floor Maistries...	...	1 8 0	...	...	0 12 0	...	...	...	...	...	...	...
Do Head Maistries	...	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...
Cyanade Labourers ...	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Maistries ...	...	1 8 0	...	...	0 12 0	...	...	...	...	...	...	...
Head Maistries ...	...	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...
14. Underground Survey—												
Head Maistries ...	...	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...
Maistries ...	...	1 8 0	...	...	1 4 0	...	...	0 4 0	...	...	...	...
Lines-men ...	...	1 8 0	...	...	...	...	0 8 0	0 4 0	...	...	...	...
Samplers ...	...	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Labourers ...	...	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
15. Underground Mining Department—												
Assistant Foremon II Grade	...	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...
Shaft Control and signalling—												
Banks-men I grade ...	...	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...
II grade ...	...	1 8 0	...	...	...	...	1 4 0	0 4 0	...	...	...	...
III grade to be abolished—												
Signal-men (Sur.) I grade	...	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...
II grade	...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
III grade to be abolished—												
Signal-men (U/G.) I grade	...	1 8 0	...	...	1 8 0	...	...	0 4 0	...	...	...	...
II grade	...	1 8 0	...	...	...	...	1 0 0	0 4 0	...	...	...	...

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Daily Wages Schedule—*concld.*

Departments	Minimum Wages per Diem. Permanent.	Minimum Wages per Diem. Temporary (dearness)	Attendance Bonus	Rank Pay	Skilled (Workmen's) (Artisans') Pay.	Semi-skilled Workmen's Pay.	Risk Pay	Health Pay.	Heavy Work Pay.	Night Shift Allowance.	Special Bonus or Allowance.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
III grade to be abolished—											
Bell-men I grade	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
II grade	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
III grade	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
16. Loco Drivers and Small Hoist Drivers—	1 8 0	...	...	...	1 4 0	...	0 4 0	...	...	...	...
Tea-boys I grade	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
II grade	1 8 0	...	...	0 4 0	...	...	0 4 0	...	...	...	...
III grade	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Cage-guards	1 8 0	...	...	...	...	0 8 0	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
17. General Purposes—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
18. Shaft Sinking—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
Shaft Sinkers	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
19. Shaft Maintenance and Hoisting—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Shaft-men	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
20. Breaking Ground (Machine)—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Machine-men	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...

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21. Hand-Jumpers—												
Head Maistries	1 8 0	..	...	1 0 0	...	...	0 4 0	...	...	...	...	
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...	
Hand-Jumper Men	†	...	...	...	...	...	...	...	...	...	...	
22. Blasters—												
Maistries	1 8 0	...	...	...	1 0 0	...	0 4 0	...	...	...	...	
Blaster-Assistats	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...	
23. Pipe Fitting—												
Head Maistries	1 8 0	...	...	1 4 0	...	...	0 4 0	...	...	...	...	
Maistries	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...	
Asst. Labourers	1 8 0	..	...	...	...	...	0 4 0	...	...	...	...	
24. Bell Fitting—												
Foremen	1 8 0	...	...	1 0 0	2 12 0	...	0 4 0	...	...	...	...	
Maistries	1 8 0	...	...	...	1 0 0	...	0 4 0	...	...	...	...	
Assistants	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...	
25. Building—												
Concreting, Jumper-supply, Pack-walling, Plate-laying, Rail-setting, Timbering, Tramming, Unloading and all other unspecified :												
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...	
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...	
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	
Masons I grade	1 8 0	...	...	...	3 8 0	...	0 4 0	...	...	...	...	
II grade	1 8 0	...	...	...	2 8 0	...	0 4 0	...	...	...	...	
Door Watchmen and Water Tap Watchmen.	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	
Tool-room Attendants	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...	
26. Sanitation (U/G)—												
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	‡	39
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...		
27. Disc-clerks and Gate-clerks to be paid monthly.												

* When they work in Sinks they are to be given an extra daily wages of 2 annas each.
† Piece-Work 14 annas to be paid for every foot of hole drilled.
‡ Rs. 10 Scavenging Allowance.

APPENDIX III(a).

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STATEMENT SUBMITTED BY THE OORGAUM MINES LABOUR ASSOCIATION

TO

THE KOLAR GOLD FIELDS MINIMUM WAGE BOARD.

I. A brief survey of the history of Labour in Kolar Gold Fields.

About sixty years ago, various Gold Mining Companies began their operations in Kolar Gold Fields. The Mining pioneers found it extremely difficult to recruit labour. People of the neighbouring villages stoutly refused to get themselves engaged as Mining Labour, though they were offered good wages. So the Mining Companies had to send their agents to Tamilnad and Malabar to recruit labour. Partly due to love of enterprise and partly allured by the promises of these agents, hefty Tamalians and Malayalies, came to Gold Fields and got employed under the Mining Companies. These workmen were the predecessors of the present Mining Labourers, who are comparatively physically weaker and are suffering from debilitating diseases, as Tuberculosis and Silicosis; as a consequence of working in unnatural environments. The first workers, of course, were paid good wages to keep them on to the Fields.

For the first two decades, the Mining Companies, which were not under one common management and due to paucity of labour, on the whole, were paying their skilled workmen very fair wages. Most of the pioneer Mining Engineers were large-hearted men, who took a lively interest in the well being of the workers.

During the next decade, many Mining Companies ceased their operations and only five of them survived. These were brought under a common management and much consolidation work was done, thereafter, for the healthy growth of the Mining Companies, but virtual exploitation of the labour for the benefit of the Mining Companies, began from that period.

After the Great War, thanks to unemployment, people from far and wide came flocking to the Fields, seeking employment. Supply of labour was more than the demand. The keen Mining management was not slow to take advantage of this position. New labourers were employed on very low wages, avarice of the Mining contractors got whetted and unskilled labour was ground for profit. This ended in the historic strike of 1929, which forced the contractors to the position of glorified Foremen. But disorganised as the labour was, the Mining Companies made huge profits, but wages of the workers did not improve. The inadequacy of the labourer's income gave the money-lenders a fruitful chance to pile their fortune. The World War II found the K.G.F. workers in economic distress and mounting cost of living since 1942 worsened their condition. It is a sad commentary on the Mining management that the organised labour had to put up a stiff fight for every little material gain from 1942.

II. Present economic position of Labour in K.G.F.

The Labour Association in K.G.F. had to focus their activities in ameliorating the economic condition of labour. Eighty per cent of the workers do not have a house of their own or an inch of land in any part of India. The average indebtedness of a worker is about

Rs. 200. To redeem the worker from the economic limbo, which he is in, he must be allowed a monthly minimum income, which will meet all the expenses as shown in Appendix I.

III. Proposals on the Fixation of Wages.

Every adult daily rated employee should be paid daily minimum wage of Rs. 1-8-0. In addition to this Basic wages, workmen may earn, Attendance bonus, Skilled or semi-Skilled workmen's pay, Rank pay, Risk pay, Health pay, Night allowance or any other special wages according to the nature of their works. The proposed wages schedule is appended hereto. [Appendix II (*a*) and (*b*)].

Periodical Increment.

Every employee should get an annual increase in his pay at the rate of 10 per cent of his or her minimum grade pay.

When these new wage-rules are enforced every employee should get much amount of money as daily wages or monthly salary if these rules were in force on the first day of his appointment. But under no circumstances the wages or salary of an employee be reduced.

Dearness Allowance.

Every employee should be given dearness allowance on par with the employees of the Government of India.

Over Time.

Every hour worked over-time or on a holiday must be accounted as two hours for the sake of payment.

Night Shift Allowance.

Every employee should get an addition of annas two (Re. 0-2-0) to his daily wages for night shift work.

Dress Allowance.

Surface workers should be given an annual dress allowance of Rs. 15 and underground worker Rs. 20.

Housing.

All employees should be provided with wholesome houses. In case an employee is not provided with a house, he must be given a house rent allowance amounting to Rs. 12½ per cent of his monthly pay.

Scavenging Allowance.

Scavengers should be given in addition to their pay a monthly allowance of Rs. 10 each.

Special Allowance.

As welding causes slow injury to the eyes of the welder, he must be given a special allowance of Rs. 10 a month as compensation.

The workmen employed at the Mill are subject to strain their ear-drums due to tremendous and continuous noise, which ultimately makes them deaf. The men at the Cyanide are subject to actually come in contact with acids and their gasses, which are injurious to health, should be paid Rs. 10 a month as compensation.

Sickness Insurance.

Any employee on being treated for any sickness, injury or indisposition in the Company's hospital or any Government hospital

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shall be entitled to receive sickness pay for the period of such medical treatment, irrespective of the fact that he is entitled to receive compensation for injury.

If an employee is unfitted owing to Silicosis or Tuberculosis, he must be paid an amount equal to 180 days wages for further treatment of the disease in addition to the compensation.

Service Pay.

Employees on terminating or being forced to terminate their services shall be entitled to receive one month's pay for every year of service with any of these Mining Companies or auxiliary establishments. For the calculation of the service pay, only the last month's pay is to be considered.

Provident Fund.

Every employee must be made to contribute 10 per cent of his monthly earnings to the Provident Fund and the employer must contribute an equal sum to the Fund, which is to be paid to the employee when he terminates his services or his services terminated.

Privilege Leave.

In addition to the days granted as privilege leave, the underground worker should get 9 days' paid casual leave and the surface worker 7 days' paid casual leave a year.

An underground worker earns his privilege leave and paid casual leave, if he works 240 days during the previous year and a surface worker 250 days.

Working Hours.

Underground working hours of the Mine worker should be reduced to 6 hours per shift.

Surface worker employed on shift works, should be given 6 hours shift duties.

Holidays With Pay.

General,	Christmas	Hindu	All existing holidays.
	Pongal		
	May Day	Onum	(Malayalies only)
		Muslims	All existing holidays.

In granting the above holidays underground worker and surface worker should be treated alike.

Share in Profits.

Unless the employees are assured of a share in the profits of the Mine, they will not be interested in increasing the production. During the pre-war years, the Mining Companies made enormous profits and workers grudgingly looked on. During the War and after, the price of gold increased five-fold but the only party that benefitted by this rise is the Government. Employees were not treated fairly. This unfair state of affairs must cease. The employees, employer and the Government should have equitable share in the profits.

IV. Work Load.

The workers have been underfed for the past 7 years. This is not the opportune moment to impose any work load. In many departments, it is virtually impossible to fix any work load. Any arbitory imposition of work load may lead to harassment of worker by their bosses and consequent unrest.

V. Fathom Bonus.

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The present system is, that the fathom bonus is paid to a worker if he has earned attendance bonus also; otherwise not paid. Since he becomes genuinely eligible having toiled, this should be paid even though he does not earn attendance bonus.

APPENDIX I.

Monthly Expenses of a Typical Unskilled Labourer's Family of six members.

Food.

Grains, Rice or Wheat, Ragi (Purchased at Ration Depot) ... ... Rice 36 seers.
Ragi 9 „

The cost for the above Rs. 11 12 0

Additional.

		Rs.	a.	p.
Purchase from Black Market, Rice 9 seers	...	10	2	0
Ragi 21 seers	...	10	8	0
Jaggery 4 viss ...	...	4	0	0
Coffee 1½ lbs. ...	...	3	6	0
Milk and Curds ...	...	6	0	0
Dhal 4 seers ...	...	2	12	0
Black Gram Dhal ½ seer ..	...	0	12	0
Gingelly Oil 4 bots. ...	...	4	10	0
Cocoanut Oil ...	...	0	8	0
Soap Nut Powder ...	...	0	8	0
Chillies 1 viss ...	...	3	2	0
Tamarind ½ viss ...	...	0	8	0
Salt 3 seers ...	...	0	6	0
Onions and other condiments ...	...	5	0	0
Vegetables including Cocoanuts ...	...	9	0	0
Meat, Fish or Eggs ...	...	8	0	0
Fuel and Lighting ...	...	10	0	0
Washing and Dhobi ...	...	3	0	0
House Rent ...	...	5	0	0
Average monthly expenses on clothing	...	5	0	0
Pots, Furniture, Travelling, Education, Medical treatment and sundries.	...	5	0	0
Savings for Marriages, Festivals and other Ceremonies		5	0	0
Entertainments and other conveniences	...	5	0	0
Total	...	118	14	0

APPENDIX II(*a*).

Department	Minimum wages per diem		Attendance bonus	Rank pay	Skilled Workmen's Artizan's pay	Semi-skilled Workmen's pay	Risk pay	Health pay	Heavy work pay	Night shift allowance	Special bonus or allowance
	Permanent	Temporary (dearness)									
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Sanitary—Surface—											
Sweepers, Male ...	1 8 0	...	...	...	...	...	...	...	...	...	*
Sweepers, Female ...	1 8 0	...	...	...	...	...	...	...	...	...	...
Sweepers, Boys ...	1 4 0	...	...	...	...	...	...	...	...	...	...
Sweepers, Maistries, ...	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
SweepersC, art Drivers ...	1 8 0	...	...	...	...	...	...	...	...	...	...
Sanitary—Building—											
Concrete Moulding Men ...	1 8 0	...	...	...	0 8 0	...	...	...	...	...	...
Masons and other labourers to be paid as in Engineering Department.	...	...	...	...	...	...	...	...	...	...	...
General Surface Labourer—											
Trammers and other labourers ...	1 8 0	...	...	...	...	...	...	...	...	...	...
Do Boys ...	1 4 0	...	...	...	...	...	...	...	...	...	...
Do Maistries ...	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
Head Maistries ...	1 8 0	...	...	2 0 0	...	...	...	...	...	...	...
Foreman ...	1 8 0	...	...	3 8 0	...	...	...	..	...	...	...
Drivers—											
Motor Transport to be paid monthly ...	...	...	...	...	...	...	...	...	...	...	...
Monthly pay of Rs. 100 and Dearness Allowance.	...	...	...	...	...	...	...	...	...	...	...
Loco Driver ...	1 8 0	...	...	...	...	...	...	...	...	...	...
Engineering Workshops—											
1. Blacksmiths, I Grade ...	1 8 0	...	...	...	3 8 0	...	...	...	...	...	...
Do II Grade ...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Do III Grade must be abolished.	...	...	To be given when qualified	...	...	...	...	...	...	...	...
2. Moulders ...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
3. Fitters ...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
4. Mechanists ...	1 8 0	...		...	2 8 0	...	...	...	...	...	...

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5. Carpenters	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
6. Platers	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
7. Boiler Rivetters	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
8. Hand Jumper Anvils	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
9. Welders	...	1 8 0	...	...	...	2 0 0	...	...	Rs. 10 per month injury to eyes.			
Tinkers	...	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Sawyers	...	1 8 0	...	...	...	1 4 0	...	...	...	...	...	...
Painters and Polishers	...	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Saw Sharpeners	...	1 8 0	...	...	...	0 8 0	...	...	...	...	...	...
Hammermen	...	1 8 0	...	...	...	1 0 0	...	...	...	1 0 0	...	...
Craftsman Assistants	...	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Workshop Maistries	...	1 8 0	...	...	...	3 8 0	...	...	...	...	...	...
Cart Driver	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Pipe Fitters—												
First Grade	...	1 8 0	...	...	0 8 0	1 8 0	...	...	...	...	...	...
Second Grade	...	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Out Door Fitter Maistry	...	1 8 0	...	...	2 0 0	2 8 0	...	...	...	...	...	...
Do Fitter	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Masons	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
(Hoisting Surface)—												
Drivers I Grade	...	1 8 0	...	...	...	3 8 0	...	...	...	...	...	...
Do II Grade	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Do III Grade	...	1 8 0	...	...	...	1 8 0	...	...	...	...	...	...
Brakesmen	...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Oilers and Cleaners	...	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
Machinery Attendants	...	1 8 0	...	...	...	1 8 0	...	...	...	...	...	...
Air Conditioning Plant Attendant	...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Converters Sets	...	1 8 0	...	...	...	...	0 12 0	...	...	...	...	...
Motors	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Pumps	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Crane Operator	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Battery Charge Attendant	...	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
Underground Engineering—												
Fitter I Grade	...	1 8 0	...	...	...	3 8 0	...	0 4 0	...	...	...	...
Do II Grade	...	1 8 0	...	...	...	2 8 0	...	0 4 0	...	...	...	...
Hoisting Winding—												
Driver I Grade	...	1 8 0	...	...	...	5 4 0	...	0 4 0	...	...	...	...
Do II Grade	...	1 8 0	...	...	...	1 12 0	...	0 4 0	...	...	...	...
Do III Grade	...	1 8 0	...	...	...	1 8 0	...	0 4 0	...	...	...	...

* Rs. 10 as monthly scavenging allowance.

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APPENDIX II(*a*)—*contd.*

Department	Minimum wages per diem		Attendance bonus	Rank pay	Skilled workmen's Artizan's pay	Semi-skilled workmen's pay	Risk pay	Health pay	Heavy work pay	Night shift allowance	Special bonus or allowance
	Permanent	Temporary (dearness)									
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Underground Engineering—(*contd.*)—											
Brakesmen ...	1 8 0	...	...	...	...	0 12 0	0 4 0	...	...	...	...
Consertor sets attendants	1 8 0	...	...	...	...	1 0 0	0 4 0	...	...	...	...
Electric fans, motor and pumps	1 8 0	...	...	..	..	0 12 0	0 4 0	...	...	...	...
Craftsmen Assistants ...	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Other labourers ..	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Metallurgical Department—											
Assay and Smelting rooms—											
Head furnishman ...	1 8 0	...	...	1 0 0	1 8 0	...	...	...	...	...	...
Survey man, 1st Grade ...	1 8 0	...	...	0 8 0	1 0 0	...	...	...	...	...	...
Survey man, 2nd Grade ...	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Attendants ...	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
Small Mill and Tube Mill—											
Blanket Operations ...	1 8 0	...	...	...	2 8 0	...	..	...	...	...	...
Battery Shiftmen, 1st Grade...	1 8 0	..	...	...	...	1 8 0	...	...	...	...	...
,, ,, 2nd Grade	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Assistants ...	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Blanket and Leaf Stitchers—											
1st Grade ...	1 8 0	...	...	1 0 0	...	...	...	...	...	...	...
2nd ,, ...	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
3rd ,, ...	1 8 0	...	...	...	...	0 4 0	..	...	...	...	...
Collector Gang labour ...	1 8 0	...	...	...	...	...	...	...	...	...	...
Cyanide Plant Fitter Maistry	1 8 0	...	...	1 8 0	...	0 4 0	...	...	...	...	...
Assistants ...	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Stores—											
Store Issues ...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Storemen, 1st Grade ...	1 8 0	...	...	0 4 0	...	1 8 0	..	...	...	...	...
,, 2nd ,, ..	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
Labourers ...	1 8 0	...	...	...	...	...	...	...	...	...	...

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Surface Contract—												
Picking floor and Bandy push—												
Men and Women ...	1 8 0	...	...	...	...	...	...	...	...	...	...	...
Boys ...	1 4 0	...	...	...	...	...	...	...	...	...	...	...
Mill Incline ...	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...	...
Picking floor Maistry ...	1 8 0	...	...	0 12 0	...	...	...	...	...	...	...	...
" Head Maistry ...	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...	...
Cyanide labourer ...	1 8 0	...	...	...	...	...	...	...	...	...	...	...
" Maistries ...	1 8 0	...	...	0 12 0	...	...	...	...	...	...	...	...
" Head Maistry ...	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...	...
Underground Survey—												
Head Maistries ...	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...	...
Maistries ...	1 8 0	...	...	1 4 0	...	...	0 4 0	...	...	...	...	...
Linesman ...	1 8 0	...	...	...	...	0 8 0	0 4 0	...	...	...	...	...
Samplers ...	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...	...
Labourers ...	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	...
Underground Mining Department—												
Assistant Foreman, 2nd Grade ...	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...	...
Shaft Control and Signalling—												
Banksman 1st Grade ...	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...	...
2nd " ...	1 8 0	...	...	...	...	1 4 0	0 4 0	...	...	...	...	...
3rd Grade to be abolished												
Signalmen, Surface—												
1st Grade ...	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...	...
2nd " ...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...	...
3rd Grade to be abolished.												
Signalmen, Underground—												
1st Grade ...	1 8 0	...	...	1 8 0	...	1 0 0	0 4 0	...	...	...	...	...
2nd " ...	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	...
3rd Grade to be abolished.												
Bellman, 1st Grade ...	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...	...
" 2nd " ...	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...	...
" 3rd " ...	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	...

APPENDIX II(*a*)—*concld.*

Department	Minimum Wages per diem: Permanent	Minimum Wages per diem: Temporary (dearness)	Attendance bonus	Rank pay	Skilled Workmen's Artizan's pay	Semi-skilled workmen's pay	Risk pay	Health pay	Heavy work pay	Night Shift allowance	Special Bonus or allowance
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Loco Drivers and Small hoisting Drivers.	1 8 0	...	...	...	1 4 0	...	0 4 0	...	...	...	...
Tea Boys, 1st Grade	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
2nd Grade	1 8 0	...	...	0 4 0	...	...	0 4 0	...	...	...	...
3rd Grade	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Cage Guards	1 8 0	...	...	...	...	0 8 0	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
General Purpose—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Shaft Sinking—											
Head Maistries ...	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
Shaft Sinkers	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Shaft Maintenance and Hoisting—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Shaft man	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Breaking Ground Machines—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Machinemen	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
....	When they work in Sinks they are to be given extra daily wages As. 2 each.										
Hand Jumper—											
Head Maistry	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Hand Jumpermen	Piece-work Re. 0-14-0 to be paid for every four of hole drilled.										

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Blasters—												
Maistry	1 8 0	...	...	...	1 0 0	...	0 4 0	...	...	...	...
Assistants	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Bell Fitting—												
Foreman	1 8 0	...	...	1 0 0	2 12 0	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	...	1 0 0	...	0 4 0	...	...	...	...
Assistants	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Pipe Fitting—												
Head Maistries	1 8 0	...	...	1 4 0	...	...	0 4 0	...	...	...	...
Maistry	1 8 0	...	...	1 12 0	..	...	0 4 0	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Building, concreting, Jumper supply, Pack-walling, Plate laying, Rail setting, Timber and unloading and all other unspecified—												
Head Maistry	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Labourer	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Masons—												
1st Grade	1 8 0	...	...	...	3 8 0	...	0 4 0	...	...	...	...
2nd Grade	1 8 0	...	...	...	2 8 0	...	0 4 0	...	...	...	...
Door Watchman—												
Water Tap Watchman	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Tool Room Attendant	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	..	...
Sanitation—												
Underground Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	Rs. 10 scavenging allowance			
Labourer	1 8 0	...	...	...	...	...	0 4 0	...	...	...	..
Disc Clerks and Gate Clerks to be paid monthly.	...	...	...	...	...	...					

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APPENDIX II (b).

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MINIMUM SALARIES OF MONTHLY RATED EMPLOYEES.

	Occupation and Departments	*Minimum Monthly Salary.* Rs.	a.	p.
1.	Peons	45	0	0
2.	Junior Clerks (General Office), Head Peons, Disc Clerks (underground Section), Gate Clerks, Sub-Overseers (Sanitary Department), Junior Contract Clerks (underground Section).	65	0	0
3.	III Grade Clerks and Typists, Contract Senior Clerks (underground Section), Tracers (Engineering Department), II Grade Assistant Overseers (Sanitary Department).	90	0	0
4.	II Grade Clerks and Typists (General Office), Assistant Draftsman and A.C.P. Operators (Engineering Department), I Grade Assistant Sanitary Overseers (Sanitary Department), Technical Assistants (underground Section, Survey, underground Engineering, Surface Engineering), Weighbridge Clerks (underground Department), Technical Assistant (Metallurgical), Weighbridge Clerks (Metallurgical).	130	0	0
5.	I Grade Clerks and Typists (General Office), II Grade Draftsman (Survey), II Grade Engineering Draftsman (Engineering Department), Sanitary Overseers (Sanitary Department), II Grade Foreman (underground Department), Sample Foreman (underground Engineering Department), II Grade Foreman (underground Engineering Department), II Grade Foreman and Shaft Chargeman (Survey Department and underground), Assistant Assayers and II Grade Foreman (Metallurgical Department).	170	0	0
6.	Head Section Clerks (General Office), Head Clerks (General Office), Head Clerks (underground Time Office), I Grade Draftsman Head Clerks (Engineering Department), I Grade Draftsman (Survey), Chief Sanitary Overseers (Sanitary Department), I Grade Foreman (underground Department), Survey Assistants (Survey), Engineering Assistants (underground Department), I Grade Foreman and Engineering Assistants (Surface and underground Department), Metallurgical Assistants and I Grade Foreman (Metallurgical Department).	250	0	0

DEARNESS ALLOWANCE.

Every monthly rated employee must get every month Rs. 30 or 20 per cent of his monthly salary whichever is more as Dearness Allowance.

Dearness Allowance should be par with the allowance paid by the Government of India.

APPENDIX III(b).

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STATEMENT SUBMITTED BY THE CHAMPION REEF MINE LABOUR ASSOCIATION, K. G. F.

TO

THE KOLAR GOLD FIELDS MINIMUM WAGE BOARD.

I. A brief survey of the history of Labour in Kolar Gold Fields.

About sixty years ago, various Gold Mining Companies began their operations in Kolar Gold Fields. The Mining pioneers found it extremely difficult to recruit labour. People of the neighbouring villages stoutly refused to get themselves engaged as Mining Labour, though they were offered good wages. So the Mining Companies had to send their agents to Tamilnad and Malabar to recruit labour. Partly due to love of enterprise and partly allured by the promises of these agents, hefty Tamilians and Malayalies, came to Gold Fields and got employed under the Mining Companies. These workmen were the predecessors of the present Mining Labourers, who are comparatively physically weaker and are suffering from debilitating diseases, as Tuberculosis and Silicosis; as a consequence of working in unnatural environments. The first workers, of course, were paid good wages to keep them on to the Fields.

For the first two decades, the Mining Companies, which were not under one common management and due to paucity of labour, on the whole, were paying their skilled workmen very fair wages. Most of the pioneer Mining Engineers were large-hearted men, who took a lively interest in the well being of the workers.

During the next decade, many Mining Companies ceased their operations and only five of them survived. These were brought under a common management and much consolidation work was done, thereafter, for the healthy growth of the Mining Companies, but virtual exploitation of the labour for the benefit of the Mining Companies, began from that period.

After the Great War, thanks to unemployment, people from far and wide came flocking to the Fields, seeking employment. Supply of labour was more than the demand. The keen Mining Management was not slow to take advantage of this position. New labourers were employed on very low wages, avarice of the Mining Contractors got whetted and unskilled labour was ground for profit. This ended in the historic strike of 1929, which forced the contractors to the position of glorified Foremen. But disorganised as the labour was, the Mining Companies made huge profits, but wages of the workers did not improve. The inadequacy of the labourer's income gave the money-lenders a fruitful chance to pile their fortune. The World War II found the K.G.F. workers in economic distress and mounting cost of living since 1942 worsened their condition. It is a sad commentary on the Mining Management that the organised labour had to put up a stiff fight for every material gain from 1942.

II. Present economic position of Labour in K. G. F. 332

The labour Association in K. G. F. had to focus their activities in ameliorating the economic condition of labour. Eighty per cent of the workers do not have a house of their own or an inch of land in any part of India. The average indebtedness of a worker is about Rs. 200. To redeem the worker from the economic limbo, which he is in, he must be allowed a monthly minimum income, which will meet all the expenses as shown in Appendix I.

III. Proposals on the fixation of Wages.

Every adult daily rated employee should be paid daily minimum wage of Rs. 1-8-0. In addition to this, Basic wages, workmen may earn, Attendance bonus, skilled or semi-skilled workmen's pay, Rank pay, Risk pay, Health pay, Night allowance or any other special wages according to the nature of their works. The proposed wages schedule is appended hereto. (Appendix II a and b).

Periodical Increment.

Every employee should get an annual increase in his pay at the rate of 10 per cent of his or her minimum grade pay.

When these new wage-rules are enforced every employee should get much amount of money as daily wages or monthly salary if these rules were in force on the first day of his appointment. But under no circumstances the wages or salary of an employee be reduced.

Dearness Allowance.

Every employee should be given dearness allowance on par with the employees of the Government of India.

Over-time.

Every hour worked over-time or on a holiday must be accounted as two hours for the sake of payment.

Night Shift Allowance.

Every employee should get an addition of annas two (0-2-0) to his daily wages for night shift work.

Dress Allowance.

Surface workers should be given an annual dress allowance of Rs. 15 and underground worker Rs. 20.

Housing.

All employees should be provided with wholesome houses. In case an employee is not provided with a house, he must be given a house rent allowance amounting to Rs. 12½ per cent of his monthly pay.

Scavenging Allowance.

Scavengers should be given in addition to their pay a monthly allowance of Rs. 10 each.

Special Allowance. 333

As Welding causes slow injury to the eyes of the welder, he must be given a special allowance of Rs. 10 a month as compensation.

The workmen employed at the Mill are subject to strain their ear-drums due to tremendous and continuous noise, which ultimately makes them deaf. The men at the Cyanide are subject to actually come in contact with acids and their gases, which are injurious to health, should be paid Rs. 10 a month as compensation.

Sickness Insurance.

Any employee on being treated for any sickness, injury or indisposition in the Company's hospital or any Government hospital shall be entitled to receive sickness pay for the period of such medical treatment, irrespective of the fact that he is entitled to receive compensation for injury.

If an employee is unfitted owing to Silicosis or Tuberculosis, he must be paid an amount equal to 180 days' wages for further treatment of the disease in addition to the compensation.

Service Pay.

Employees on terminating or being forced to terminate their services shall be entitled to receive one month's pay for every year of service with any of these Mining Companies or auxiliary establishments. For the calculation of the service pay, only the last month's pay is to be considered.

Provident Fund.

Every employee must be made to contribute 10 per cent of his monthly earnings to the Provident Fund and the employer must contribute an equal sum to the Fund, which is to be paid to the employee when he terminates his services or his services terminated.

Privilege Leave.

In addition to the days granted as privilege leave, the underground worker should get 9 days' paid casual leave and the surface worker 7 days' paid casual leave a year.

An underground worker earns his privilege leave and paid casual leave, if he works 240 days during the previous year and a surface worker 250 days.

Working Hours.

Underground working hours of the Mine worker should be reduced to 6 hours per shift.

Surface worker employed on shift works, should be given 6 hours shift duties.

Holidays with Pay.

General ...	Christmas ...	Hindu ...	All existing holidays.
	Pongal		
	May Day ...	Onum ...	(Malayalies only).
		Muslims ...	All existing holidays.

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In granting the above holidays underground worker and surface worker should be treated alike.

Share in Profits.

Unless the employees are assured of a share in the profits of the Mine, they will not be interested in increasing the production. During the pre-war years, the Mining Companies made enormous profits and workers grudgingly looked on. During the War and after, the price of gold increased five-fold but the only party that benefited by this rise is the Government. Employees were not treated fairly. This unfair state of affair must cease. The employees, employer and the Government should have equitable share in the profit.

IV. Work-Load.

The workers have been underfed for the past 7 years. This is not the opportune moment to impose any work-load. In many departments, it is virtually impossible to fix any work-load. Any arbitory imposition of work-load may lead to harassment of worker by their bosses and consequent unrest.

V. Fathom Bonus.

The present system is that the fathom bonus is paid to a worker if he has earned attendance bonus also; otherwise not paid. Since he becomes genuinely eligible having toiled, this should be paid even though he does not earn attendance bonus.

APPENDIX I.

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Monthly expenses of a typical unskilled Labourer's family of six members.

Food.

Grains:—Rice or Wheat, Ragi (purchased at Ration Depot) ... ... Rice 36 seers.
Ragi 9 ,,

		Rs.	a.	p.
The cost for the above	... ...	11	12	0
Additional.				
Purchase from Black Market	Rice 9 seers ...	10	2	0
	Ragi 21 seers ...	10	8	0
Jaggery 4 viss.	... ...	4	0	0
Coffee 1½ lb.	... ...	3	6	0
Milk and Curds	... ...	6	0	0
Dhal 4 seers	... ...	2	12	0
Blackgram Dhal ½ seer	... ...	0	12	0
Gingelly Oil 4 bottles	... ...	4	10	0
Cocoanut Oil	... ...	0	8	0
Soapnut Powder	... ...	0	8	0
Chillies 1 viss.	... ...	3	2	0
Tamarind ½ viss.	... ...	0	8	0
Salt 3 seers	... ...	0	6	0
Onions and other condiments	... ...	5	0	0
Vegetable including Cocoanuts	... ...	9	0	0
Meat, Fish or Eggs	... ...	8	0	0
Fuel and Lighting	... ...	10	0	0
Washing and Dhobi	... ...	3	0	0
House Rent	... ...	5	0	0
Average monthly expenses on clothing	...	5	0	0
Pots, Furniture, Travelling, Education, Medical treatment and sundries	... ...	5	0	0
Savings for marriages, festivals and other ceremonies	... ...	5	0	0
Entertainments and other conveniences	...	5	0	0
	Total ...	118	14	0

APPENDIX IIa.

Department	Minimum Wages per Diem: Permanent	Minimum Wages per Diem: Temporary (Dearness)	Attendance Bonus	Rank Pay	Skilled Workmen's Artizan's pay	Semi-skilled Workmen's Pay	Risk Pay	Health Pay	Heavy work pay	Night shift allowance	Special bonus or allowance
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Sanitary Surface—											
Sweepers Male	1 8 0	...	...	...	...	...	...	...	...	...	*
,, Female	1 8 0	...	...	...	...	...	...	...	...	...	...
,, Boys	1 4 0	...	...	...	...	...	...	...	...	...	...
,, Maistries	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
,, Cart Drivers	1 8 0	...	...	...	...	...	...	...	...	...	...
Sanitary Building—											
Concrete Moulding Men	1 8 0	...	...	...	0 8 0	...	...	...	...	...	...
Masons & other labourers to be paid as in Eng. Dept.	...	...	...	...	...	...	...	...	...	...	...
General Surface Labourer	...	...	...	...	...	...	...	...	...	...	...
Trammers & other labourers ...	1 8 0	...	...	...	...	...	...	...	...	...	...
,, Boys ...	1 4 0	...	...	...	...	...	...	...	...	...	...
,, Maistries ...	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
Hd. Maistries ...	1 8 0	...	...	2 0 0	...	...	...	...	...	...	...
Foreman ...	1 8 0	...	...	3 8 0	...	...	...	...	...	...	...
Drivers—											
Motor Transport to be paid monthly. Monthly pay of Rs. 100 and Dearness Allowance.	...	...	...	...	...	...	...	...	...	...	...
Loco Driver	1 8 0	...	...	...	...	...	...	...	...	...	...
Engineering Workshops—											
Blacksmiths I Grade	1 8 0	...	...	...	3 8 0	...	...	...	...	...	...
,, II ,, ...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
,, III ,, Must be abolished.	...	...	...	...	...	...	...	...	...	...	...

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Moulders	...	...	1 8 0	...	To be given when qualified.	...	2 8 0	...	...	...	...	...	...
Fitters	...	...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
Mechanics	...	...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
Carpenters	...	...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
Platers	...	...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
Boiler Revitters	...	...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
Hand Jumper Anvils	...	...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
Welders	...	...	1 8 0	...		...	2 0 0	...		Rs. 10 per month injury to eyes.			
Tinkers	...	...	1 8 0	...		...	1 0 0	...	...	...	...	...	...
Sawyers	...	...	1 8 0	...		...	1 4 0	...	...	...	...	...	...
Painters & Polishers	...	...	1 8 0	...		...	1 0 0	...	...	...	...	...	...
Saw Sharpeners	...	...	1 8 0	...		...	0 8 0	...	...	...	...	...	...
Hammermen	...	...	1 8 0	...		...	1 0 0	...	...	...	1 0 0	...	...
Craftsman Assistants	...	...	1 8 0	...		...		0 4 0	...	...	...	...	...
Workshop Maistries	...	...	1 8 0	...		...	3 8 0	...	...	...	...	...	...
Cart Driver	...	...	1 8 0	...		...	...	...					
Pipe Fitters—													
1st Grade	...	...	1 8 0	...	...	0 8 0	1 8 0	...	...	...	...	...	...
2nd Grade	...	...	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Out Door Fitter Misty.	...	...	1 8 0	...	...	2 0 0	3 8 0	...	...	...	...	...	...
,, Fitter	...	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Masons	...	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Hoisting Surface—													
Drivers 1st Grade	...	...	1 8 0	...	...	...	3 8 0	...	...	...	...	...	...
,, 2nd Grade	...	...	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
,, 3rd Grade	...	...	1 8 0	...	...	...	1 8 0	...	...	...	...	...	...
Brakesmen	...	...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Oilers & Cleaners	...	...	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
Machinery Attendants	...	...	1 8 0	...	...	...	1 8 0	...	...	...	...	...	...
Air Conditioning Plant Attendant		...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Converters Sets	...	...	1 8 0	...	...	...	...	0 12 0	...	...	...	...	...
Motors	...	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Pumps	...	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Crane Operator	...	...	1 8 0	...	...	...	...	...	...	...	...	...	...
Battery Charge Attendant	...	...	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...

*Rs. 10 as monthly scavenging allowance.

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APPENDIX I—*contd.*

Department	Minimum Wages per diem: Permanent	Minimum Wages per diem: Temporary (Dearness)	Attendance Bonus	Rank pay	Skilled Workmen's Artizan's pay	Semi-skilled workmen's pay	Risk pay	Health pay	Heavy work pay	Night Shift allowance	Special Bonus or allowance
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Underground Engineering—											
Fitter 1st Grade	1 8 0	...	...	...	3 8 0	...	0 4 0	...	...	...	...
,, 2nd Grade	1 8 0	...	...	...	2 8 0	...	0 4 0	...	...	...	...
Hoisting Winding—											
Driver 1st Grade	1 8 0	...	...	...	5 4 0	...	0 4 0	...	...	...	...
,, 2nd Grade	1 8 0	...	...	...	1 12 0	...	0 4 0	...	...	...	...
,, 3rd Grade	1 8 0	...	...	...	1 8 0	...	0 4 0	...	...	...	...
Brakesmen	1 8 0	...	...	...	...	0 12 0	0 4 0	...	...	...	...
Conserter Sets attendants ...	1 8 0	...	...	...	...	1 0 0	0 4 0	...	...	...	...
Electric Fans, Motor and Pumps ...	1 8 0	...	...	...	...	0 12 0	0 4 0	...	...	...	...
Craftsmen Assistants	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Other Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Metallurgical Department—											
Assay and Smelting Rooms—											
Head furnish man	1 8 0	...	...	1 0 0	1 8 0	...	...	...	...	...	
Survey man 1st Grade	1 8 0	...	...	0 8 0	1 0 0	...	...	...	...	...	...
Survey man 2nd Grade	1 8 0	...	...	...	1 0 0	...	...	...	...	...	...
Attendants	1 8 0	...	...	...	...	0 8 0	...	...	...	...	..
Small Mill and Tube Mill—											
Blanket Operations	1 8 0	...	...	...	2 8 0	...	...	...	...	...	...
Battery Shiftmen 1st Grade ...	1 8 0	...	...	...	...	1 8 0	...	...	...	...	...
,, 2nd Grade ...	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
Assistants	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Blanket and Leaf Stitchers—											
1st Grade	1 8 0	...	...	1 0 0	...	...	...	...	...	...	...
2nd Grade	1 8 0	...	...	0 8 0	...	...	...	...	...	...	...
3rd Grade	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Collector Gang labour	1 8 0	...	...	...	...	...	...	...	...	...	...

Cyanide Plant Fitter Maistry	1 8 0	...	...	1 8 0	...	0 4 0	...	...	...	...	...
Assistants	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Stores—											
Store Issues	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
,, Men 1st Grade	1 8 0	...	...	0 4 0	...	1 8 0	...	...	...	...	...
2nd Grade	1 8 0	...	...	...	...	0 8 0	...	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	...	...	...	...	...
Surface Contract—											
Picking floor and Bandy push—											
Men and women	1 8 0	...	...	...	...	...	...	...	...	...	...
Boys	1 4 0	...	...	...	...	...	...	...	...	...	...
Mill Incline	1 8 0	...	...	...	...	0 4 0	...	...	...	...	...
Picking Floor Maistry	1 8 0	...	...	0 12 0	...	...	...	...	...	...	...
,, Head Maistry	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...
Cyanide labourer	1 8 0	...	...	...	...	...	...	...	...	...	...
,, Maistries	1 8 0	...	...	0 12 0	...	...	...	...	...	...	...
,, Head Maistry	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...
Underground Survey—											
Head Maistries	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	1 4 0	...	...	0 4 0	...	...	...	...
Linesman	1 8 0	...	...	...	...	0 8 0	0 4 0	...	...	...	...
Samplers	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Underground Mining Department—											
Assistant Foreman 2nd Grade	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...
Shaft Control and Signalling—											
Banks man 1st Grade	1 8 0	...	...	2 4 0	...	...	0 4 0	...	...	...	...
,, 2nd ,,	1 8 0	...	...	...	...	1 4 0	0 4 0	...	...	...	...
,, 3rd Grade to be abolished	...	...	...	...	...	...	...	...	...	...	...
Signalmen Surface—											
1st Grade	1 8 0	...	...	1 8 0	...	...	...	...	...	...	...
2nd Grade	1 8 0	...	...	...	...	1 0 0	...	...	...	...	...
3rd Grade to be abolished	...	...	...	...	...	...	...	...	...	...	...

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APPENDIX I—*concld.*

Departments	Minimum Wages per diem: Permanent	Minimum Wages per diem: Permanent (dearness)	Attendance Bonus	Rank Pay	Skilled Workmen's Artizan's pay	Semi-skilled Workmen's pay	Risk pay	Health pay	Heavy Work pay	Night Shift allowance	Special Bonus or allowance
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Signalmen Underground—											
1st grade	1 8 0	...	...	1 8 0	...	1 0 0	0 4 0	...	...	...	...
2nd grade	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
3rd grade to be abolished... ...	...	...	...	...	...	...	...	...	...	...	...
Bell man 1st grade	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
2nd grade	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
3rd grade	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Loco Drivers and Small hoisting Drivers. ...	1 8 0	...	...	...	1 4 0	...	0 4 0	...	...	...	...
Tea Boys 1st grade	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
2nd grade	1 8 0	...	...	0 4 0	...	...	0 4 0	...	...	...	...
3rd grade	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Cage Gaurds	1 8 0	...	...	...	...	0 8 0	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
General Purpose—											
Herd Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Shaft Sinking—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
Shaft Sinkers	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Shaft Maintenance and Hoisting—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Shaft man	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Breaking Ground Machines—											
Head Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Machinemen	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...

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Hand Jumper—											
Head Maistry	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
† Hand Jumpermen	...	...	...	...	...	...	...	...	...	...	...
Blasters—											
Maistry	1 8 0	...	...	...	1 0 0	...	0 4 0	...	...	...	...
Assistants	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Bell Fitting—											
Foreman	1 8 0	...	...	1 0 0	2 12 0	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	...	1 0 0	...	0 4 0	...	...	...	...
Assistants	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Pipe Fitting—											
Head Maistries	1 8 0	...	...	1 4 0	...	...	0 4 0	...	...	...	...
Maistry	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Building concreting Jumper Supply Pack-walling, Plate laying, Rail setting, Timber and Unloading and all other unspecified—											
Head Maistry	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Labourer	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Masons—											
1st grade	1 8 0	...	...	...	3 8 0	...	0 4 0	...	...	...	...
2nd grade	1 8 0	...	...	...	2 8 0	...	0 4 0	...	...	...	...
Door Watchman—											
Water Tap Watchman	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Tool room Attendant	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Sanitation—											
Underground Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	Rs. 10	Scavenging allowance.		
Labourer	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Disk Clerks and Gate Clerks to be paid monthly.	...	...	...	...	...	...	...	...	...	...	...

* When they work in Sinks they are to be given extra daily wage As. 2 each.
† Piece work Re. 0-14-0 to be paid for every foot of hole drilled.

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APPENDIX II (b)

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MINIMUM SALARIES OF MONTHLY RATED EMPLOYEES.

	Occupation and Departments	*Minimum Monthly Salary.* Rs.	a.	p.
1.	Peons	45	0	0
2.	Junior Clerks (General Office), Head Peons, Disk Clerks (underground section), Gate Clerks, Sub-Overseers (Sanitary Department), Junior Contract Clerks (underground section).	65	0	0
3.	III Grade Clerks and Typists Contract Senior Clerks (underground section), Tracers (Engineering Department), II Grade Assistant Overseers (Sanitary Department).	90	0	0
4.	II Grade Clerks and Typists (General Office), Assistant Draftsman and A. C. P. Operators (Engineering Department), I Grade Assistant Sanitary Overseers (Sanitary Department), Technical Assistants (underground section). Technical Assistants (Survey), Technical Assistants (underground Engineering), Technical Assistants (Surface Engineering), Weighbridge Clerks (underground Department), Technical Assistant (Metallurgical), Weighbridge Clerks (Metallurgical).	130	0	0
5.	I Grade Clerks and Typists (General Office), II Grade Draftsman (Survey), II Grade Engineering Draftsman (Engineering Department), Sanitary Overseers (Sanitary Department), II Foreman (underground Department), Sample Foreman (underground Engineering Department), II Grade Foreman (underground Engineering Department), II Grade Foreman and Shaft Chargeman (Survey Department) and (underground), Assistant Assayers and II Grade Foremen (Metallurgical Department).	170	0	0
6.	Head Section Clerks (General Office), Head Clerks (underground Time Office), I Grade Draftsman (Engineering Department), Head Clerks, I Grade Draftsman (Survey), Chief Sanitary Overseers (Sanitary Department), I Grade Foreman (underground Department), Survey Assistants (Survey), Engineering Assistants (underground Department), I Grade Foreman and Engineering Assistants (Surface and underground Department), Metallurgical Assistants and I Grade Foreman (Metallurgical Department).	250	0	0

DEARNESS ALLOWANCE. 343

Every monthly rated employee must get every month Rs..... or 20 per cent of his monthly salary whichever is more as dearness allowance.

Dearness allowance should be par with the allowance paid by the Government of India.

APPENDIX III (c).

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STATEMENT SUBMITTED BY THE MYSORE MINES LABOUR ASSOCIATION.

TO

THE KOLAR GOLD FIELDS MINIMUM WAGE BOARD.

I. A brief Survey of the History of Labour in Kolar Gold Fields.

About sixty years ago, various Gold Mining Companies began their operations in Kolar Gold Fields. The Mining pioneers found it extremely difficult to recruit labour. People of the neighbouring villages stoutly refused to get themselves engaged as Mining labour, though they were offered good wages. So the Mining Companies had to send their agents to Tamilnad and Malabar to recruit labour. Partly due to love of enterprise and partly allured by the promises by these agents, hefty Tamilians and Malayalies, came to Gold Fields and got employed under the Mining Companies. These workmen were the predecessors of the present Mining labourers, who are comparatively physically weaker and are suffering from debilitating diseases, as Tuberculosis and silicosis, as a consequence of working in unnatural environments. The first workers, of course, were paid good wages to keep them on to the Fields.

For the first two decades, the Mining Companies which were not under one common management and due to paucity of labour, on the whole, were paying their skilled workmen very fair wages. Most of the pioneer Mining Engineers were large-hearted men who took a lively interest in the well being of the worker.

During the next decade, many Mining Companies ceased their operations and only five of them survived. These were brought under a common management and such consolidation work was done, thereafter, for the healthy growth of the Mining Companies, began from that period.

After the great war, thanks to un-employment, people from far and wide came flocking to the Fields, seeking employment. Supply of labour was more than the demand. The keen Mining management was not slow to take advantage of this position. New labourers were employed on very low wages, avarice of the Mining contractors got whetted and unskilled labour was ground for profit. This ended in the historic strike of 1929, which forced the contractors to the position of glorified foremen. But disorganised as the labour was, the Mining Companies made huge profits, but wages of the workers did not improve. The inadequacy of the labourers' income gave the money-lenders a fruitful chance to pile their fortune. The World War II found the K.G.F. workers in economic distress and mounting cost of living since 1942 worsened their condition. It is a sad commentary on the Mining Management that the organised labour had to put up a stiff fight for every little material gain from 1942.

II. Present Economic Position of Labour in K.G.F.

The Labour Associations in Kolar Gold Fields had to focus their activities in ameliorating the economic condition of labour, 80 per cent of the workers do not have a house of their own or an inch of

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land in any part of India. The average indebtedness of a worker is about Rs. 200. To redeem the worker from the economic limbo, which he is in, he must be allowed a monthly minimum income, which will meet all the expenses as shown in Appendix I.

III. Proposals on the Fixation of Wages.

Wages.

Every adult daily rated employee should be paid daily minimum wages of Rs. 1-8-0. In addition to this Basic wages, workmen may earn, Attendance Bonus, Skilled or Semiskilled workmen's pay, Rank pay, Risk pay, Health pay, Night shift allowance or any other special wages according to the nature of their works. The proposed wages schedule is appended hereto. (Appendix II A, and B).

Periodical Increment.

Every employee should get an annual increase in his pay at the rate of 10 per cent of his or her minimum grade pay.

When these new wage-rules are enforced every employee should get such amount of money as daily wages or monthly salary if these rules were in force on the first day of his appointment. But under no circumstances the wages or salary of an employee be reduced.

Dearness Allowance.

Every employee should be given dearness allowance on par with the employees of the Government of India.

Over Time.

Every hour worked over-time or on a holiday must be accounted as two hours for the sake of payment.

Night Shift Allowance.

Every employee should get an addition of annas two (0-2-0) to his daily wages for night shift work.

Dress Allowance.

Surface workers should be given an annual dress allowance of Rs. fifteen (Rs. 15-0-0) and underground worker Rs. twenty (Rs. 20-0-0).

Housing.

All employees should be provided with whole-some houses. In case an employee is not provided with a house he must be given a house rent allowance amounting to 12½ per cent of his monthly pay.

Production Bonus.

Production bonus must be paid to a worker in proportion to the number of days worked in the month, irrespective of his earning attendance bonus.

Scavenging Allowance.

Scavengers should be given in addition to their pay a monthly allowance of Rs. ten (Rs. 10-0-0) each.

Special Allowance to Welders.

As welding causes slow injury to the eyes of the welder, he must be given a special allowance of Rs. ten Rs. ten (Rs. 10-0-0) a month as a compensation.

Sickness Insurance. 346

Any employee on being treated for any sickness, injury or indisposition in the Company's hospital or any Government Hospital shall be entitled to receive Sickness pay for the period of such medical treatment, irrespective of the fact that he is entitled to receive compensation for injury.

If an employee is unfitted owing to silicosis or tuberculosis, he must be paid an amount equal to 180 days' wages for further treatment of the disease in addition to the compensation.

Service Pay.

Employees on terminating or being forced to terminate their services shall be entitled to receive one month's pay for every year of service with any of these Mining Companies or Auxiliary establishments. For the calculation of the service pay only, the last month's pay is to be considered.

Provident Fund.

Every employee must be made to contribute 10 per cent of his monthly earnings to the provident fund and the employer must contribute an equal sum to the fund which is to be paid to the employee when he terminated his services or his services are terminated with.

Privilege Leave.

In addition to the days granted as privilege leave the underground worker should get nine days' paid casual leave and the surface worker seven days' paid casual leave.

An underground worker earns his privilege leave and paid casual leave, if he works 240 days during the previous year and a surface worker 250 days.

Contract System.

Contract system should be abolished forthwith.

Holidays With Pay.

General—

Christmas	...	Hindus—All existing holidays.
Pongal	...	Onum—Malayalees only.
May day	...	Good Friday—Christians only.
		Muslims—All existing holidays.

In granting the above holidays underground worker and surface worker should be treated alike.

Share in Profits.

Unless the employees are assured of a share in the profits of the Mine they will not be interested in increasing the production. During the pre-war years the Mining Companies made enormous profits and the workers grudgingly looked on. During the war and after, the price of gold increased fivefold but the only party that benefitted by this rise is the Government. Employees were not treated fairly. This unfair state of affair must cease. The employees, employer and the government should have equitable share in the profit.

IV. Work Load.

The workers have been underfed for the past seven years. This is not the opportune moment to impose any work load. In many departments, it is virtually impossible to fix any work load. Any arbitrary imposition of work load may lead to harassment of workers by their bosses and consequent unrest.

APPENDIX I.

Monthly Expenses of a Typical Unskilled Labour's Family of Six Members.

Food		*Reqd.*	*Cost* Rs.	a.	p.
Grains, Rice or Wheat, Ragi	(Purchased at ration shop.) ...	36 seers...	11	12	0
		9 „ ...	10	2	0
Purchase from the black market	Rice ...	9 „ ...	10	8	0
	Ragi ...	21 „ ...	4	0	0
Jaggery ...	...	4 viss ...	3	6	0
Coffee ...	...	1½ lb. ...	6	0	0
Milk and Curds ...	...	... ...	2	12	0
Dhall ...	...	4 seers	0	12	0
Blackgram dhall ...	...	½ „ ...	4	10	0
Gingely Oil ...	...	4 bottles	0	8	0
Cocoanut Oil ...	...	... ...	0	8	0
Soapnut powder ...	...	... ...	3	2	0
Chillies ...	...	1 viss ...	0	8	0
Tamarind ...	...	½ „ ...	0	6	0
Salt ...	...	3 seers...	5	0	0
Onions and other Condiments	...	...	...		
Vegetables including Cocoanuts	...	... ...	9	0	0
Meat Fish or Eggs ...	...	... ...	8	0	0
Fuel and Lighting ...	...	... ...	10	0	0
Washing and Dhobi ...	...	... ...	3	0	0
House rent ...	...	... ...	5	0	0
Average monthly expenses on clothing ...		... ...	5	0	0
Pots, Furniture, Travelling, Education, Medical treatment and Sundries.		... ...	5	0	0
Savings for Marriages, Festivals and other ceremonies.		... ...	5	0	0
Entertainments and other conveniences...		... ...	5	0	0
		Total ...	118	14	0

APPENDIX II(*b*)—*contd.*

Department	Minimum wages per diem		Attendance bonus	Rank pay	Skilled workmen's artizan's pay	Semi-skilled workmen's pay	Risk pay	Health pay	Heavy work pay	Night shift allowance	Special bonus or allowances
	Permanent	Temporary (dearness)									
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Sanitary—surface—											
Sweepers, Male	1 8 0	...		...	...	...	...	...	...	...	
" Female	1 8 0	...		...	...	...	...	...	...	...	
" Boys	1 4 0	...		...	...	...	...	...	...	...	
" Maistries	1 8 0	...		0 8 0	...	...	...	...	...	...	...
Cart (bullock) Drivers	1 8 0	...		...	...	...	...	...	...	...	...
Sanitary—Building—											
Concrete moulding men	1 8 0	...		...	0 8 0	...	...	...	...	...	...
Masons and other labourers to be paid as in Engineering Department.											
General Surface Labourer—											
Trammers and other labourers ...	1 8 0	...		...	...	...	...	...	...	...	...
" Boys	1 4 0	...		...	...	...	...	...	...	...	...
" Maistry	1 8 0	...		0 8 0	...	...	...	...	...	...	...
" Head Maistry ...	1 8 0	...		2 0 0	...	...	...	...	...	...	...
" Foreman	1 8 0	...		3 8 0	...	...	...	...	...	...	...
Drivers—											
Motor Transport to be paid monthly. (Monthly pay of Rs. 100 and dearness allowance).											
Engineering Workshops—											
Blacksmiths 1st Grade	1 8 0	...		...	3 8 0	...	...	...	...	...	...
" 2nd "	1 8 0	...		...	2 8 0	...	...	...	...	...	...
" 3rd " must be abolished											
2. Moulders	1 8 0	...		...	2 8 0	...	...	...	...	...	...
3. Fitters	1 8 0	...		...	2 8 0	...	...	...	...	...	...
4. Mechinists	1 8 0	...		...	2 8 0	...	...	...	...	...	...
5. Carpenters	1 8 0	...		...	2 8 0	...	...	...	...	...	...
6. Platers	1 8 0	...		...	2 8 0	...	...	...	...	...	...
7. Boiler Revitters	1 8 0	...		...	2 8 0	...	...	...	...	...	...
8. Hand Jumper Anvils ...	1 8 0	...		...	2 8 0	...	...	...	...	...	...

To be given when qualified.

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Welders	...	1 8 0	...	To be given when qualified.	...	2 0 0	...	...	Rs. 10 per month injury to eyes.	...	...	...
Tinkers	...	1 8 0	...		...	1 0 0	...	...	...	...	...	...
Sawyers	...	1 8 0	...		...	1 4 0	...	...	...	...	...	...
Painters and Publishers	...	1 8 0	...		...	1 0 0	...	...	...	...	...	...
Saw Sharpners	...	1 8 0	...		...	0 8 0	...	...	...	...	...	...
Hammerman	...	1 8 0	...		...	1 0 0	...	...	...	1 0 0	...	...
Craftsman Assistants	...	1 8 0	...		...	...	0 4 0	...	...	...	...	...
Workshop Maistries	...	1 8 0	...		...	3 8 0	...	...	...	...	...	...
Bullock cart Drivers	...	1 8 0	...		...	..	...	...	...	...	..	...
Pipe Fitters—												
1st Grade	...	1 8 0	...		0 8 0	1 8 0	...	...	...	...	...	...
2nd ,,	...	1 8 0	...		...	1 0 0	...	...	...	...	...	...
Outdoor Fitter Maistry	...	1 8 0	...		2 0 0	3 8 0	...	...	...	...	...	...
,, Fitter		1 8 0	...		...	2 8 0	...	...	...	...	...	...
Masons	...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
Hoisting (Surface)—												
Drivers 1st Grade	...	1 8 0	...		...	3 8 0	...	...	...	...	...	...
,, 2nd ,,	...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
,, 3rd ,,	...	1 8 0	...		...	1 8 0	...	...	...	...	...	...
Brakesman	...	1 8 0	...		...	...	1 0 0	...	...	...	...	...
Oilers and Cleaners	...	1 8 0	...		...	...	0 8 0	...	...	...	...	...
Machinery Attendants	...	1 8 0	...		...	1 8 0	...	...	...	...	...	...
Air Conditioning Plant Attendant	...	1 8 0	...		...	...	1 0 0	...	...	...	...	...
Converter's sets	...	1 8 0	...		...	...	0 12 0	...	...	...	...	...
Electric Fans	...	1 8 0	...		...	...	...	...	...	...	...	...
Motors	...	1 8 0	...		...	...	...	...	...	...	...	...
Pumps	...	1 8 0	...		...	...	...	...	...	...	...	...
Crane Operator	...	1 8 0	...		...	...	0 8 0	...	...	...	...	...
Battery Charge Attendant	...	1 8 0	...		...	...	...	...	...	...	...	...
Underground Engineering—												
Fitter 1st Grade	...	1 8 0	...		...	3 8 0	...	0 4 0	...	...	...	...
,, 2nd ,,	...	1 8 0	...		...	2 8 0	...	0 4 0	...	...	...	...
Hoisting winding—												
Driver 1st Grade	...	1 8 0	...		...	5 4 0	...	0 4 0	...	...	...	...
,, 2nd ,,	...	1 8 0	...		...	1 12 0	...	0 4 0	...	...	...	...
,, 3rd ,,	...	1 8 0	...		...	1 8 0	...	0 4 0	...	...	...	...

*Rs. 10 as monthly scavenging allowance.

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APPENDIX—II(*a*)—*contd.*

Department	Minimum Wages per Diem: Permanent	Minimum Wages per Diem: Temporary (dearness)	Attendance Bonus	Rank Pay	Skilled (workmen's Artizan's Pay	Semi-skilled workmen's Pay	Risk Pay	Health Pay	Heavy work Pay	Night shift allowance	Special bonus or allowances
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
U. G. Engineering—*contd.*											
Brakesmen ...	1 8 0	...	To be given when qualified.	...	...	0 12 0	0 4 0	...	...	...	...
Conserter sets attendants	1 8 0	...		...	...	1 0 0	0 4 0	...	...	...	...
Electric Fans, Motor and pumps	1 8 0	...		...	...	0 12 0	0 4 0	...	...	...	...
Craftsman Assistants ...	1 8 0	...		...	...	0 4 0	0 4 0	...	...	...	...
Other labourers ...	1 8 0	...		...	...	...	0 4 0	...	...	...	...
Metallurgical Department—											
Assay and Smelting Rooms											
Head furnish men ...	1 8 0	...		1 0 0	1 8 0	...	...	...	...	...	...
Survey men, 1st Grade	1 8 0	...		0 8 0	1 0 0	...	...	...	...	...	...
2nd ,,	1 8 0	...		...	1 0 0	...	...	...	...	...	...
Attendants ...	1 8 0	...		...	...	0 8 0	...	...	...	...	...
Stamp-mill and Tube-mill											
Blanket Operations ...	1 8 0	...		...	2 8 0	...	...	...	...	...	...
Batteryshift men 1st Grade	1 8 0	...		...	...	1 8 0	...	...	...	...	...
2nd ,,	1 8 0	...		...	...	1 0 0	...	...	...	...	...
Assistants ...	1 8 0	...		...	...	0 4 0	...	...	...	...	...
Cyanide Plant and Fitter Maistry	1 8 0	...		1 8 0	...	0 4 0	...	...	...	...	...
Assistants ...	1 8 0	...		...	...	0 4 0	...	...	...	...	...
Blanket and leaf stitchers—											
1st Grade ...	1 8 0	...		1 0 0	...	...	...	...	...	...	...
2nd ,, ...	1 8 0	...		1 8 0	...	...	...	...	...	...	...
3rd ,, ...	1 8 0	...		...	...	0 4 0	...	...	...	...	...
Collector gang labour ...	1 8 0	...		...	...	...	...	...	...	...	...
Stores—											
Store Issues ...	1 8 0	...		...	...	1 0 0	...	...	...	...	...
Store men, 1st Grade ...	1 8 0	...		0 4 0	...	0 8 0	...	...	...	...	...
Do 2nd ,, ...	1 8 0	...		...	...	0 8 0	...	...	...	...	...
Do labourers ...	1 8 0	...		...	...	...	...	...	...	...	...

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Surface Contract—											
Picking floor and bandy push—											
Men and women	1 8 0	...	To be given when qualified	...	...	...	...	...	...	...	...
Boys	1 4 0	...		...	...	...	...	...	...	...	...
Mill incline	8 0	...		...	...	0 4 0	...	...	...	...	...
Picking floor Maistry	1 8 0	...		0 12 0	...	...	...	...	...	...	...
Do Head Maistry ...	1 8 0	...		1 8 0	...	...	...	...	...	...	...
Cyanide labourers	1 8 0	...		...	...	...	...	...	...	...	...
Do Maistries	1 8 0	...		0 12 0	...	...	...	...	...	...	...
Do Head Maistries ...	1 8 0	...		1 8 0	...	...	...	...	...	...	...
Underground Survey— ...											
Head maistries	1 8 0	...		2 4 0	...	..	0 4 0	...	...	...	...
Maistries	1 8 0	...		1 4 0	...	...	0 4 0	...	...	..	...
Lines man	1 8 0	...		...	...	0 8 0	0 4 0	...	...	...	...
Samplers	1 8 0	...		...	..	0 4 0	0 4 0	...	...	...	...
Labourers	1 8 0	...		...	...	...	0 4 0	...	...	...	...
Underground-Mining Department—											
Assistant Foreman, 2nd Grade ...	1 8 0	...		2 4 0	...	...	0 4 0	...	...	...	...
Shaft Control and Signalling—											
Banksman, 1st Grade	1 8 0	...		2 4 0	...	...	0 4 0	...	...	...	...
Do 2nd ,, ...	1 8 0	...		...	...	1 4 0	0 4 0	...	...	...	...
Do 3rd ,, to be abolished											
Signalman Surface—											
1st Grade	1 8 0	...		1 8 0	...	...	...	...	...	...	...
2nd ,, ...	1 8 0	...		...	...	1 0 0	...	...	...	...	...
3rd ,, to be abolished											
Signalman Underground—											
1st Grade	1 8 0	...		1 8 0	...	1 0 0	0 4 0	..	...	...	...
2nd ,, ...	1 8 0	...		...	...	...	0 4 0	...	...	...	...
3rd ,, to be abolished											
Bellman, 1st Grade	1 8 0	...		0 12 0	...	...	0 4 0	...	...	...	...
Do 2nd ,, ...	1 8 0	..		0 8 0	...	...	0 4 0	...	...	...	...
Do 3rd ,, ...	1 8 0	..		...	...	...	0 4 0	...	...	...	...
Loco Drivers and Small hoisting drivers.	1 8 0	...		...	1 4 0	...	0 4 0	...	...	...	...

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APPENDIX II (*b*)—*contd.*

Department	Minimum wages per diem: Permanent	Minimum wages per diem: Temporary (dearness)	Attendance bonus	Rank pay	Skilled (Workmen's Artizan's pay)	Semi-skilled Workmen's pay	Risk pay	Health pay	Heavy work pay	Night shift allowance	Special bonus or allowances
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Teaboys—											
1st grade	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...
2nd grade	1 8 0	...	...	0 4 0	...	...	0 4 0	...	...	...	...
3rd grade	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Cage guards	1 8 0	...	...	...	...	0 8 0	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
General Purpose—											
Head maistry	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...
Shaft Sinking—											
Head maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	0 8 0	1 0 0	...	...
Maistries	1 8 0	...	...	0 12 0	...	...	0 4 0	0 8 0	0 8 0	...	...
Shaft sinkers	1 8 0	...	...	...	...	0 4 0	0 4 0	0 8 0	0 4 0	...	...
Shaft Maintenance and hoisting—											
Head maistries	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistries	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Shaft man	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Breaking Ground Machines—											
Head maistry	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
*Machinemen	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...
Hand Jumper—											
Head maistry	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...
Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...
Hand Jumper men	...	...	...	...	...	...	...	...	...	...	...

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Blasters—												
Maistries	1 8 0	...	...	...	1 0 0	...	0 4 0	...	...	...		
Assistants	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...	...
Pipe Fitting—												
Head Maistries	1 8 0	...	...	1 4 0	...	...	0 4 0	...	...	...	...	
Maistries	1 8 0	...	...	0 12 0	...	...	0 4 0	...	...	...	...	...
Labourers	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	...
Bell Fitting—												
Foremen	1 8 0	...	...	1 0 0	2 12 0	...	0 4 0	...	...	...	...	
Maistries	1 8 0	...	...	...	1 0 0	...	0 4 0	...	...	...	...	...
Assistants	1 8 0	...	..	...	...	0 4 0	0 4 0	...	...	...	...	...
Building Concreting Jumper Supply Packwalling, Plate laying, Rail setting, Timbering and Unloading and all other unspecified—												
Head Maistry	1 8 0	...	...	1 0 0	...	...	0 4 0	...	...	...	...	
Maistry	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	...	...
Masons	1 8 0	...	...	...	0 4 0	...	0 4 0	...	...	...	...	...
Labourer	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	...
Door Watchman—												
Water Tap watchman	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	
Tool room attendant	1 8 0	...	...	...	...	0 4 0	0 4 0	...	...	...	...	...
Sanitation—												
Underground maistries ...	1 8 0	...	...	0 8 0	...	...	0 4 0	...	...	...	‡	
Labourer	1 8 0	...	...	...	...	...	0 4 0	...	...	...	...	...
Disc-Clerks and Gate Clerks to be paid monthly.	...	...	...	...	...	...	...	...	..	...	...	...

* When they work in sinks they are to be given an extra daily wages of As. 2 each.
† Piece-work Re. 0-14-0 to be paid for every foot of hole drilled.
‡ Rs. 10 Scavanging allowance.

APPENDIX II(*b*)—*concld.* 354

MINIMUM SALARIES OF MONTHLY RATED EMPLOYEES.

	Occupation and Departments	*Minimum monthly salary.* Rs.	a.	p.
1.	Peons	45	0	0
2.	Junior Clerks (General Office), Head Peons, Disc. Clerks (Underground Section), Gate Clerks, Sub-Overseers (Sanitary Department), Junior Contract Clerks (Underground Section).	65	0	0
3.	III Grade Clerks and Typists, Contract Senior Clerks (Underground Section), Tracers (Engineering Department), II Grade Assistant Overseers (Sanitary Department).	90	0	0
4.	II Grade Clerks and Typists (General Office), Assistant Draftsman and A. C. P. Operators (Engineering Department), I Grade Assistant Sanitary Overseers (Sanitary Department), Technical Assistants (Underground Section), Technical Assistants (Survey), Technical Assistants (Underground Engineering), Technical Assistants (Surface Engineering), Weigh Bridge Clerks (Underground Department), Technical Assistants (Metallurgical), Weigh Bridge Clerks (Metallurgical).	130	0	0
5.	I Grade Clerks and Typists (General Office), II Grade Draftsman (Survey), II Grade Draftsman (Engineering), Sanitary Overseers (Sanitary Department), II Grade Foremen (Underground Department), Sample Foremen (Survey Department), II Grade Foremen (Underground Engineering Department), II Grade Foremen and Shaft Chargemen (Survey and Underground Department), Assistant Assayers and II Grade Foremen (Metallurgical Department).	170	0	0
6.	Head Section Clerks (General Office), Head Clerks (Underground Time Office), I Grade Draftsman and Head Clerks (Engineering Department), I Grade Draftsmen (Survey), Chief Sanitary Overseers (Sanitary Department), I Grade Foremen (Underground Department), Survey Assistants (Survey), Engineering Assistants (Underground Department), I Grade Foremen and Engineering Assistants (Surface and Underground Department), Metallurgical Assistants and I Grade Foremen (Metallurgical Department).	250	0	0

APPENDIX III-(*d*).

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STATEMENT SUBMITTED BY THE K.G.F. ELECTRICITY DEPARTMENT LABOUR ASSOCIATION

TO

THE KOLAR GOLD FIELDS MINIMUM WAGES BOARD.

I. Brief Survey of the history of Labour in Kolar Gold Field.

About sixty years ago, various Gold Mining Companies began their operations in Kolar Gold Fields. The Mining pioneers found it extremely difficult to recruit labour. People of the neighbouring villages stoutly refused to get themselves engaged as Mining Labour though they were offered good wages. So the Mining Companies had to send their agents to Tamilnad and Malabar to recruit labour. Partly due to love of enterprise and partly allured by the promises of these agents, hefty Tamilians and Malayalies, came to Gold Fields and got employed under the Mining Companies. These workmen were the predecessors of the present Mining labourers, who are comparatively physically weaker and are suffering from debilitating diseases, as tuberculosis and silicosis; as a consequence of working in unnatural environments. The first workers, of course, were paid good wages to keep them on to the Fields.

For the first two decades, the Mining Companies, which were not under one common management and due to paucity of labour, on the whole, were paying their skilled workmen very fair wages. Most of the pioneer Mining Engineers were large-hearted men, who took a lively interest in the well being of the workers.

During the next decade, many Mining Companies ceased their operations and only five of them survived. These were brought under a common management and much consolidation work was done, thereafter, for the healthy growth of the Mining Companies, but virtual exploitation of the labour for the benefit of the Mining Companies, began from that period.

After the great war, thanks to unemployment, people from far and wide came flocking to the Fields, seeking employment. Supply of labour was more than the demand. The keen Mining Management was not slow to take advantage of this position. New labourers were employed on very low wages, avarice of the Mining Contractors got whetted and unskilled labour was ground for profit. This ended in the historic strike of 1929, which forced the contractors to the position of glorified Foremen. But disorganised as the labour was, the Mining Companies made huge profits, but wages of the workers did not improve. The inadequacy of the labourers' income gave the money-lenders a fruitful chance to pile their fortune. The World War II found the K.G.F. workers in economic distress and mounting cost of living since 1942 worsened their condition. It is a sad commentary on the Mining Management that the organised labour had to put up a stiff fight for every little material gain from 1942.

II. Present Economic Position of Labour in K.G.F.

The Labour Associations in K.G.F. had to focus their activities in ammeliorating the economic condition of labour. Eighty per cent of

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the workers do not have a house of their own or an inch of land in any part of India. The average indebtedness of a worker is about Rs. 200. To redeem the worker from the economic limbo, which he is in, he must be allowed a monthly minimum income, which will meet all the expenses as shown in Appendix I.

III. Proposals on the fixation of wages.

Every adult daily rate employee should be paid daily minimum wage of Rs. 1-8-0. In addition to this Basic wages, workmen may earn, attendance bonus, skilled or semi-skilled workmen's pay, Rank pay, Risk pay, Health pay, Night Shift Allowance or any other special wages according to the nature of their works. The proposed wages schedule is appended hereto. [Appendix II (*a*) and (*b*)].

Periodical Increment.

Every employee should get an annual increase in his pay at the rate of 10 per cent of his or her minimum grade pay.

When these new wage-rules are enforced, every employee should get such amount of money as daily wages or monthly salary if these rules were in force on the first day of his appointment. But under no circumstances the wages or salary of an employee be reduced.

Dearness Allowance.

Every employee should be given dearness allowance on par with the employees of the Government of India.

Overtime.

Every hour worked overtime or on a holiday must be accounted as two hours for the sake of payment.

Night Shift Allowance.

Every employee should get an addition of annas two (0-2-0) to his daily wages for night shift work.

Dress Allowance.

Surface workers should be given an annual dress allowance of Rs. 15 and underground workers Rs. 20.

Housing.

All employees should be provided with wholesome houses. In case an employee is not provided with a house he must be given a house rent allowance amounting to 12½ per cent of his monthly pay.

Scavenging Allowance.

Scavengers should be given in addition to their pay a monthly allowance of Rs. 10 each.

Special Allowance to Welders.

As welding causes slow injury to the eyes of the welder, he must be given a special allowance of Rs. 10 a month as compensation.

Sickness Insurance.

Any employee on being treated for any sickness, injury or indisposition in the Company's hospital or any Government hospital shall be entitled to receive sickness pay for the period of such medical

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treatment, irrespective of the fact that he is entitled to receive compensation for injury.

If an employee is unfitted owing to Silicosis or Tuberculosis, he must be paid an amount equal to 180 days' wages for further treatment of the disease in addition to the compensation.

Service Pay.

Employees on terminating or being forced to terminate their services shall be entitled to receive one month's pay for every year of service with any of these Mining Companies or auxiliary establishments. For the calculation of the service pay, only the last month's pay is to be considered.

Provident Fund.

Every employee must be made to contribute 10 per cent of his monthly earnings to the Provident Fund and the employer must contribute an equal sum to the Fund, which is to be paid to the employee when he terminates his services or his services terminated with.

Privilege Leave.

In addition to the days granted as privilege leave, the underground worker should get 9 days' paid casual leave and the surface worker 7 days' paid casual leave a year.

An underground worker earns his privilege leave and paid casual leave, if he works 240 days during the previous year and a surface worker 250 days.

Working Hours.

Underground working hours of the Mine worker should be reduced to 6 hours per shift.

Holidays with pay.

General ...	Christmas.	Hindus ...	All existing holidays.
	Pongal.	Onum ...	(Malayalies only).
	May Day	Muslims ...	All existing holidays.

In granting the above holidays underground worker and surface working should be treated alike.

Share in profits.

Unless the employees are assured of a share in the profits of the Mine, they will not be interested in increasing the production. During the pre-war years, the Mining Companies made enormous profits and the workers grudgingly looked on. During the War and after, the price of gold increased five-fold but the only party that benefited by this rise is the Government. Employees were not treated fairly. This unfair state of affair must cease. The employees, employer and the Government should have equitable share in the profit.

IV. Work Load.

The workers have been underfed for the past 7 years. This is not the opportune moment to impose any work load. In many departments, it is virtually impossible to fix any work load. Any arbitrary imposition of work load may lead to harassment of workers by their bosses and consequent unrest.

APPENDIX I.

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Monthly Expenses of a typical unskilled labourer's family of six members.

Food—

		Rs.	a.	p.
Grains, Rice or Wheat (purchased at Ration Depot) Rice 36 srs. and Ragi 9 srs.	...	11	12	0
Purchase from the Black Market, Rice 9 srs.	...	10	2	0
Ragi 21 ,,	...	10	8	0
Jaggery 4 viss ...	...	4	0	0
Coffee 1½ lbs. ...	...	3	6	0
Milk and Curds ...	...	6	0	0
Dhal 4 seers ...	...	2	12	0
Blackgram Dhal ½ seer ...	...	0	12	0
Gingely Oil 4 bottles ...	...	4	10	0
Cocoanut oil ...	...	0	8	0
Soapnut Powder ...	...	0	8	0
Chillies 1 viss ...	...	3	2	0
Tamarind ½ viss ...	...	0	8	0
Salt 3 seers ...	...	0	6	0
Onions and other condiments ...	...	5	0	0
Vegetables including Cocoanuts ...	...	9	0	0
Meat, Fish or Eggs ...	...	8	0	0
Fuel and lighting ...	...	10	0	0
Washing and Dhobi ...	...	3	0	0
House rent ...	...	5	0	0
Average monthly expenses on clothing	...	5	0	0
Pots, Furniture, Travelling, Education, Medical treatment and Sundries ...	...	5	0	0
Savings for Marriages, Festivals and other Ceremonies ...	...	5	0	0
Entertainments and other conveniences	...	5	0	0
Total	...	118	14	0

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The K.G.F. Electricity Department Labour Association.

Underground Electrical Employees Section Daily Wages Schedule.

			Minimum. Rs.	a.	p.
Head Maistries and Head Chargemen ...		...	8	4	0
Maistries and Chargemen ...		...	6	14	0
Telephone Operators	1st Grade	...	5	14	0
	2nd Grade	...	4	15	0
Telephone Maintenance Inspectors ...		...	6	2	0
Electric Fitters Wiremen Cable ...	1st Grade	...	5	14	0
Jointers Telephone and signal Fitters ...	2nd Grade	...	4	12	0
	3rd Grade	...	4	3	0
Cable Laying Hands ...		...	3	13	0
Battery charging station Chargemen ...		...	5	14	0
Battery charging station Attendants ...	1st Grade	...	4	12	0
	2nd Grade	...	4	3	0
Craftsmen Assistants ...		...	2	0	0
Tea Boys ...	1st Grade	...	3	13	0
	2nd Grade	...	3	3	0

Surface Electrical Employees Section Daily Wages Schedule.

			Minimum. Rs.	a.	p.
Head Maistries and Head Chargemen ...		...	7	13	0
Maistries and Chargemen ...		...	6	11	0
Telephone Operators ...	1st Grade...		5	11	0
	2nd „ ...		4	9	0
Electrical Fitters Wiremen ...	1st „ ...		5	8	0
Armature Winders Cable Jointers ...	2nd „ ...		4	12	0
Telephone Fitters ...	3rd „ ...		4	0	0
Power Linesmen and Telephone ...	1st „ ...		5	2	0
Linesmen ...	2nd „ ...		4	6	0
	3rd „ ...		3	10	0
Sub-Station Attendants... ...	1st „ ...		3	13	0
	2nd „ ...		3	3	0
Craftsmen Assistants	...		1	12	0
Labourers	...		1	8	0
Boys	...		1	4	0

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Kolar Mines Power Station Wage Schedule.

		Minimum. Rs.	a.	p.
Assistant Charge Operators ...	1st Grade...	6	14	0
	2nd „ ...	5	8	0
	3rd „ ...	4	9	0
Junior Operators	...	3	10	0
Maistries	...	6	11	0
Electrical Fitters and Wiremen ...	1st Grade...	5	8	0
	2nd „ ...	4	12	0
	3rd „ ...	4	0	0
Fitters and Machinists	1st „ ...	5	2	0
	2nd „ ...	4	6	0
	3rd „ ...	3	10	0
Battery Attendants	1st „ ...	4	6	0
	2nd „ ...	3	10	0
Firemen and Machine Attendants ...	1st „ ...	4	6	0
	2nd „ ...	3	8	0
	3rd „ ...	3	0	0
Mason	1st „ ...	4	9	0
	2nd „ ...	3	6	0
Craftsmen Assistants	...	1	12	0
Boys	...	1	4	0

Surface Mechanical and other Employees Section
Daily Wages Schedule.

		Minimum. Rs.	a.	p.
Head Maistries and Head Chargemen ...	...	7	13	0
Maistries and Chargemen ...	...	6	8	0
Fitters and Machinists	1st Grade...	5	2	0
	2nd „ ...	4	6	0
	3rd „ ...	3	10	0
Welders	1st „ ...	4	15	0
	2nd „ ...	4	3	0
	3rd „ ...	3	6	0
Blacksmith, Carpenters and Moulders ...	1st „ ...	4	12	0
	2nd „ ...	4	0	0
	3rd „ ...	3	6	0
Hammermen	...	2	8	0
Masons, Painters and Tinkers ...	1st Grade...	4	9	0
	2nd „ ...	3	6	0
Motor Transport Drivers ...	...	3	13	0
Store Issuers Store Maistry ...	...	4	6	0
Storemen	1st Grade...	3	10	0
	2nd „ ...	3	0	0
Sweepers Line Maistries ...	...	3	6	0
Craftsmen Assistants	...	1	12	0
Labourers water tank watchmen Sweepermen.	...	1	8	0
Boys	...	1	4	0
Surface Women	...	1	8	0

APPENDIX III(e) 360

STATEMENT SUBMITTED TO THE MINIMUM WAGE BOARD.

By

The Nundydroog Mine Labour Association,
Oorgaum, K.G.F.

Minimum Wages.

Minimum wages must be living wages. According to modern conception, living wages of an unskilled worker should be such as to enable him and his dependents to lead a healthy life, and earnings of the wage-earner must be such as to meet all expenses of the family which would make every member of the family fit to be a cultured and useful member of the society. The minimum wages of a skilled worker must be adequate to purchase him extra amenities in life.

From the inception of this Mine, minimum wages were never fixed according to the above mentioned criterion. The wages received by the labourers are fixed arbitrarily motivated by profit consideration. Humanitarian or social ideas never came into play when fixing these wages.

The present wages are unjust and inadequate to keep the body and soul of the labourer together. While the cost of living has gone up five-fold, the wages have gone up only less than three times. Hence the labourers are right in demanding higher rates of wages.

It is idle to compare Gold Mining industry with any other industries in India as gold mining is done only in Kolar Gold Fields, and nowhere in other parts of India. The mining employees are working in unnatural conditions in the bowels of earth and their wages must be such as to compensate the enervating influence of mining work.

It is contended that the Field is a rural area. But the economy obtaining in the Fields is neither rural nor urban but that of a camp which is necessarily more expensive than either. The cost of living index will easily prove that it is so.

Comparison of Wages.

We would request the Board to compare the wages of the mining labourers with those of the Postal Department, Railway Department, and other employees of the Central Government.

Categories of Employees.

In fixing the minimum wages, this Board is empowered to fix the daily wages and monthly salaries of all the employees who are not engaged by the Mining Companies on special agreements.

The fall in the productive efficiency of the workers is directly due to malnutrition. Unless the worker is paid adequately to keep his body strong, production cannot increase. We can safely prophey that if the worker is paid living wages, productive efficiency will increase.

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Mismanagement and Top-heavy administration.

Though the permanent employees are paid low, the covenanted employees, both Indian and Foreign, are paid huge salaries that high officials of the Government of India may envy. It is this class of employees which swallows a good share of the income of the Mining Companies, so that low-paid employees are always left in want and misery. If proper enquiries are made, it will be found that many of them are uselessly employed and their high salaries can be cut to reasonable level so that it may benefit the real toilers.

Conclusion.

In concluding the statement, we would urge that it must not be the policy of the authorities to prolong the life of the mines on inadequate wages. We trust that this Board will make effective recommendations that the question of wages will be settled once for all, and the labourers will settle down to do their useful work for the benefit of the nation.

C. RAJARATHNAM,
Vice-President.

Dated 29th November 1949.

APPENDIX III-(f).

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STATEMENT SUBMITTED TO THE MINIMUM WAGE BOARD.

By

The Oorgaum Mine Labour Association,
Oorgaum, K.G.F.

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It is contended that the Field is a rural area. But the economy obtaining in the Fields is neither rural nor urban but that of a camp which is necessarily more expensive than either. The cost of living index will easily prove that it is so.

Comparison of Wages.

We would request the Board to compare the wages of the mining labourers with those of the Postal Department, Railway Department, and other employees of the Central Government.

Categories of Employees.

In fixing the minimum wages, this Board is empowered to fix the daily wages and monthly salaries of all the employees who are not engaged by the Mining Companies on special agreements.

The fall in the productive efficiency of the workers is directly due to malnutrition. Unless the worker is paid adequately to keep his body strong, production cannot increase. We can safely prophesy that if the worker is paid living wages, productive efficiency will increase.

Mismanagement and Top-heavy Administration. 363

Though the permanent employees are paid low, the covenanted employees, both Indian and Foreign, are paid huge salaries that high officials of the Government of India may envy. It is this class of employees which swallows a good share of the income of the Mining Companies, so that low-paid employees are always left in want and misery. If proper enquiries are made, it will be found that many of them are uselessly employed and their high salaries can be cut to reasonable level so that it may benefit the toilers.

Conclusion.

In concluding the statement, we would urge that it must not be the policy of the authorities to prolong the life of the mines on inadequate wages. We trust that this Board will make effective recommendations that the question of wages will be settled, once for all, and the labourers will settle down to do their useful work for the benefit of the nation.

GANGADARAM,
President.

Dated 29th November 1949.

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APPENDIX III (g).

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STATEMENT SUBMITTED TO THE MINIMUM WAGE BOARD.

By

The Champion Reefs Mines Labour Association,
Champion Reefs, K.G.F.

Minimum Wages.

Minimum wages must be living wages. According to modern conception, living wages of an unskilled worker should be such as to enable him and his dependents to lead a healthy life, and earnings of the wage-earner must be such as to meet all expenses of the family which would make every member of the family fit to be a cultured and useful member of the society. The minimum wages of a skilled worker must be adequate to purchase him extra amenities in life.

From the inception of this Mine, minimum wages were never fixed according to the abovementioned criterion. The wages received by the labourers are fixed arbitrarily motivated by profit consideration. Humanitarian or social ideas never came into play when fixing these wages.

The present wages are unjust and inadequate to keep the body and soul of the labourer together. While the cost of living has gone up five-fold, the wages have gone up only less than three times. Hence the labourers are right in demanding higher rates of wages.

It is idle to compare Gold mining industry with any other industries in India as gold mining is done only in Kolar Gold Fields, and nowhere in other parts of India. The mining employees are working in unnatural conditions in the bowels of earth and their wages must be such as to compensate the enervating influence of mining work.

It is contended that the Field is a rural area. But the economy obtaining in the Fields is neither rural nor urban but that of a camp which is necessarily more expensive than either. The cost of living index will easily prove that it is so.

Comparison of Wages.

We would request the Board to compare the wages of the mining labourers with those of the Postal Department, Railway Department, and other employees of the Central Government.

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Mismanagement and Top-heavy Administration. 385

Though the permanent employees are paid low, the covenanted employees, both Indian and Foreign, are paid huge salaries that high officials of the Government of India may envy. It is this class of employees which swallows a good share of the income of the Mining Companies, so that low-paid employees are always left in want and misery. If proper enquiries are made, it will be found that many of them are uselessly employed and their high salaries can be cut to reasonable level so that it may benefit the toilers.

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P. THARAMANY,
Secretary.

Dated 29th November 1949.

APPENDIX III(b). 366

STATEMENT SUBMITTED TO THE MINIMUM WAGE BOARD.

By

The Mysore Mine Labour Association,
Marikuppam, K.G.F.

Minimum Wages.

Minimum wages must be living wages. According to modern conception, living wages of an unskilled worker should be such as to enable him and his dependents to lead a healthy life, and earnings of the wage-earner must be such as to meet all expenses of the family which would make every member of the family fit to be a cultured and useful member of the society. The minimum wages of a skilled worker must be adequate to purchase him extra amenities in life.

From the inception of this Mine, minimum wages were never fixed according to the abovementioned criterion. The wages received by the labourers are fixed arbitrarily motivated by profit consideration. Humanitarian or social ideas never came into play when fixing these wages.

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It is contended that the Field is a rural area. But the economy obtaining in the Fields is neither rural nor urban but that of a camp which is necessarily more expensive than either. The cost of living index will easily prove that it is so.

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Categories of Employees.

In fixing the minimum wages, this Board is empowered to fix the daily wages and monthly salaries of all the employees who are not engaged by the Mining Companies on special agreements.

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Mismanagement and Top-heavy Administration.

Though the permanent employees are paid low, the covenanted employees, both Indian and Foreign, are paid huge salaries that high officials of the Government of India may envy. It is this class of employees which swallows a good share of the income of the Mining Companies, so that low-paid employees are always left in want and misery. If proper enquiries are made, it will be found that many of them are uselessly employed and their high salaries can be cut to reasonable level so that it may benefit the toilers.

Conclusion.

In concluding the statement, we would urge that it must not be the policy of the authorities to prolong the life of the mines on inadequate wages. We trust that this Board will make effective recommendations that the question of wages will be settled once for all, and the labourers will settle down to do their useful work for the benefit of the nation.

S. A. BHONSLE,
Secretary.

Dated 29th November 1949.

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APPENDIX IV.

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MINIMUM WAGE BOARD.

THE STATEMENT OF THE FOUR MINING COMPANIES AND ELECTRICITY DEPARTMENT.

This statement is filed at the request of the Chairman of the Minimum Wage Board, *Rajadharmaprasakta* C. Subrahmanya Aiyar, B.A., B.L.

Minimum Wage.

It is submitted that the Mysore Minimum Wages Act does not define the term "Minimum Wage," but from the explanations given in Section 5, it is assumed that it means a living wage. It is therefore suggested that before the Wage Board investigations commence, the prevailing rates of wages and the cash value of the other benefits and concessions available to the employees must be understood. If the sum total of these benefits does not constitute a minimum wage for a worker in the Mining and Metallurgical industry, then only can the Wage Board make recommendations.

Factors governing wage fixation as mentioned above are :—

(*a*) The productivity of labour.
(*b*) The prevailing rates of wages in the same or similar occupations in neighbouring localities.
(*c*) The level of the national income and its distribution.
(*d*) The place of the industry in the economy of the State.
(*e*) The capacity of the Industry to pay.

Productivity of Labour.

On the Kolar Gold Field, the productivity of labour and output has decreased whilst wages have steadily increased. Labour cost per ton of ore has increased from 100 in 1939 (base) to 335·2 in 1948, *i.e.*, about 3½ times, with a fall in the index of production from 100 to 64·8, as will be seen from Table I. (Annexure).

Wages, Cost of Living and Dearness Allowance.

The basic wages paid in the Kolar Gold Field for daily rated workers are set out in a carefully graded schedule and range from As. 13 for a labourer to Rs. 3-13-0 for a skilled workman. This schedule which contains 163 grades has been evolved from those of 1931, 1934 and 1942 and provides for regular biennial increments. It is the opinion of the Management that the prevailing wage rates for the various grades of workmen are fair and reasonable.

In addition to basic wages, the following payments or direct benefits are granted to workers :—

	Rs.	a.	p.	
Dearness Allowance	22	0	0	per month
Attendance bonus	1	8	0	Do.
Underground attendance bonus of extra half shift to workers, who attend for 6 consecutive days.		...		
Cash value of rations issued at special rates	2	9	9	Do.

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Where conditions permit every possible encouragement is given to certain workers to earn more money in the form of production bonuses for special work, and during 1949 approximately 3,500 workers were paid such bonuses each month.

The Dearness Allowance of Rs. 22 per month is much higher than the general level of that paid in the State for Government owned or managed concerns, which is Rs. 18 in Bangalore and Rs. 15 in Mysore.

The cost of living index for Kolar Gold Field in August 1949 was 315·4 points compared with 301·6 in Bangalore and 300·8 in Mysore.

The lowest paid workers in the Kolar Gold Field Mining and Metallurgical industry (excluding boys and women) are newly engaged labourers, the basic rates of pay being Re. 0-13-0 per day for surface and Rs. 1-1-0 for underground *plus* the additional benefits mentioned above. Thus the monthly earnings of such labourers are:—

	Surface	Underground
	Rs. a. p.	Rs. a. p.
Basic wage per day	0 13 0	1 1 0
Basic wages for 26 days	21 2 0	27 10 0
Attendance bonus for 26 days	1 8 0	1 8 0
Additional 2 shifts bonus	...	2 2 0
Dearness allowance	22 0 0	22 0 0
Cash value of supply of cheap food ...	2 9 9	2 9 9
Total ...	47 3 9	55 13 9

On the same basis as the above, the worker in the highest grade underground at Rs. 3-13-0 per day would earn Rs. 131-5-9.

Taking the industry as a whole the average direct cost of each daily rated employee is Rs. 2-6·98 annas per day or Rs. 63-5·48 annas per month. This does not include leave pay, sick pay, service gratuity, provident fund, medical treatment, clothing allowance, sanitation, welfare, housing and other facilities the average cost of which is Rs. 8·28 annas per day or Rs. 13-7·28 annas per month bringing the total cost of each employee to Rs. 76-12·76 annas per work-month of 26 days.

An analysis of the prevailing rates of wages together with other concessions and benefits whose value has to be considered when fixing the minimum living wage, indicates that the industrial labour at Bangalore, Mysore, Bhadravati and Mandya earn less than their counterparts on the Field, even in surface occupations. The following Table II illustrates this:—

TABLE II.

	K.G.F.	*Bangalore	*Mysore	*Mandya	*Bhadravati
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Basic wage ...	21 2 0	*19 8 0	*19 8 0	*16 4 0	*16 4 0
Dearness Allowance ...	22 0 0	*24 0 0	*21 8 0	*16 0 0	*12 0 0
Other concessions ...	1 8 0	...	†1 11 0	...	...
Food subsidisation ...	2 9 9	...	...	...	...
	47 3 9	43 8 0	42 11 0	32 4 0	28 4 0

†S.K. Mills only

*Only surface unskilled minima of wages and D.A. in representative sets of industries in the above centres are averaged.

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We consider that the present earnings of all classes of labour are, under existing conditions, very liberal and will stand comparison with any other industry in the State.

The increase in the earnings of daily rated workers in recent years is shown in Table III (Annexure).

National Level of Income.

As published in the India Labour Year Book, the statistics given below (Table IV) indicate the earnings of workers in important industrial centres in India up to the end of 1947.

TABLE IV.

	1939	1946	1947
	Rs.	Rs.	Rs.
1. Bombay	370·4	812·8	977·9
2. Delhi	309·4	837·2	877·7
3. Bihar	415·5	514·0	819·8
4. Kolar Gold Fields	312·89	522·02	795·17
5. Assam	263·7	687·5	755·5
6. U.P.	235.6	593·6	672·8
7. C.P. & Berar	...	497·7	573·8
8. Madras	175·9	422·2	560·3
9. Ajmer-Merwara	163·7	447·8	438·4

Although the Field is a rural area, the earnings even in 1947 here come next to those in the great cities such as Bombay and Delhi.

Categories of Employees in the Scheduled Employment.

While the Act states in Section 3 that the minimum wages are to be fixed for employees in the scheduled employment, it is clear from the general wording of the Act and particularly from the use of the expression "Minimum Wages" that the classes of employees contemplated are the daily rated wage earners, the working class, and not those who are employed on monthly salaries or engaged in supervisory categories.

The bulk of occupations in the Mining and Metallurgical operations are of a semi-skilled and unskilled nature and the method of fixing minimum wages should be appropriate to those categories. Employment above Assistant Foremen Grade is monthly rated and therefore governed by different terms of engagement. The salaries and emoluments of the Supervisory and Office Staff categories, have no direct relation to the Minimum Wages and other concessions that the daily rated enjoy. It is submitted that the monthly rated and supervisory staff *does not* come within the ambit of the Wage Boad. In this connection, it would not be out of place to quote the considered opinion of the Government of India Fair Wage Committee on the classes of workers for whom fair wages should be determined :—

> ".....After discussion came to the conclusion that in the initial stages, in view of administrative and other difficulties provision need be made for the fixation of fair wages of only categories up to the supervisory level." (Page 19).

It is therefore suggested that in so far as this Minimum Wage Board is concerned the question of Minimum Wages be considered for

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those occupations and categories shown and provided for in the current Wages Schedule of each Mine and Electricity Department, copies of which have already been submitted.

Work Loads.

It is assumed that this means the minimum amount of work which is to be done in a given time for a fixed wage rate. The diversity and nature of the operations which compose the Mining and Metallurgical industry are such that they preclude the fixing of standard work loads, although by practical experience an approximate assessment of the time required to execute certain operations can be made. It is however possible for men engaged on certain classes of work to earn a production bonus and wherever this is practicable, every incentive to the worker is given. These bonuses are however computed on a monthly basis in most cases so as to compensate for conditions such as hardness of rock which may vary from day to day and mine to mine.

Economics of the Industry.

A mine cannot be compared to a factory where any increase in costs is passed on to the consumer; the price of gold is beyond the control of the Management. It must be remembered too that while the very name Gold Mine conjures up visions of untold wealth to the layman, work at depths approaching 9,000 feet is a very costly proceeding, the planning of which requires technical knowledge of the highest order.

The following extract from a recent speech of Sri M. A. Srinivasan, B.A., the Chairman of the Mysore Gold Mining Company is relevant :—

> "The longevity of a Gold Mine is the result of several factors some of which are peculiar to the Industry. One of the requisites is the continuous and often hazardous search for new ore hidden in the bowels of the earth; a second factor is the constant widening of the operational horizon by improved technical methods and the installation of costly modern equipment; and third and significant factor is the utilization of the lower grades of ore. The pay line—by which I mean the grade of ore that it just pays to mine—sternly decrees what shall be ore and what shall be mere stone. Ore above the pay-line creates wealth and employment, ore below it is waste rock or dirt for all the gold it may contain—waste rock that will lie buried deep not even usable as road metal. A lowering of the pay-line like the touch of Midas transmutes rock into gold."

Since 1939 the price of gold has shown a steady increase but inspite of this the gold mining industry has become impoverished, the most outstanding factors being—

1. the fall in the productive efficiency of the workers,
2. enormously increased costs of production due to increased wages and costs of materials,
3. a crippling series of strikes,
4. the burden of taxation, and
5. the lack of finance for development.

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One of the greatest needs of the industry is a fair day's work for a fair day's pay and although labour has, in recent years, received substantial increases in pay, there has been a considerable decline in productivity.

One vital point is that gold taken from the Mine cannot be replaced, that is, there can be no succession of crops as in agriculture. For this reason there must be constant search for new ore bodies which involves the outlay of large sums in capital expenditure on which no returns will be made for many years and which in many cases will be a total loss.

Conclusion.

These problems should be borne in mind by the Wage Board, and should form the bed-rock of any advice which may be tendered to Government on the question of Minimum Wages in the Industry.

It should be emphasised that even at the existing wage levels, two of the Companies will not be in a position to pay a dividend this year. Therefore it is submitted that the problems before the Wage Board have to be realistically considered to ensure that the industry which has provided the means of livelihood for a population of 1½ lakhs for over 67 years may continue to do so for many years to come and play the part it should in the national economy of the Country.

For and on behalf of

The Nundydroog Mines, Limited,
The Ooregaum Gold Mining Co. of India Limited,
The Champion Reef Gold Mines of India Limited,
The Mysore Gold Mining Co, Limited,
The K.G.F. Electricity Department,

JOHN TAYLOR & SONS (INDIA) LTD.,
Managers and Secretaries,

ARTHUR H. E. TAYLOR,
Vice-Chairman.

OORGAUM,
1st November 1949.

TABLE I.

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Employment, Wages and Earnings and Production Trends.

Year	Number of employees		Earnings of employees	
	No.	Index	Total wages bill	Average per worker per year
1	2	3	4	5
			Rs.	Rs.
1939 ...	25,222	100	78,89,895	312·82
1940 ...	26,079	103·4	79,55,733	305·06
1941 ...	25,506	101·1	86,62,597	339·63
1942 ...	23,956	95	92,11,192	384·61
1943 ...	21,803	86·4	92,60,918	449·10
1944 ...	18,920	75	88,11,561	465·78
1945 ...	17,237	68·3	86,04,801	499·18
1946 ...	18,806	74·6	99,48,750	529·02
1947 ...	20,559	81·5	163,47,972	795·17
1948 ...	22,802	90·4	162,32,165	711·88

Year	Money value of other benefits including statutory payments		Total		
	Total	Average per worker per year	Columns 4 & 6	Average per worker per year columns 5 & 7	
				Amount	Index
	6	7	8	9	10
	Rs.	Rs.	Rs.	Rs.	
1939 ...	1,70,467	6·76	80,60,862	319·58	100
1940 ...	2,78,800	10·69	82,34,533	315·75	98·8
1941 ...	4,15,173	16·28	90,77,770	355·91	111·4
1942 ...	4,57,378	19·09	96,68,565	403·60	126·3
1943 ...	3,57,413	16·39	100,18,331	459·49	143·8
1944 ...	3,59,653	19·01	91,71,204	484·74	151·7
1945 ...	7,95,378	42·66	93,99,674	541·84	169·5
1946 ...	6,45,547	34·33	105,94,297	563·35	176·3
1947 ...	6,74,933	22·83	170,22,905	828·00	259·1
1948 ...	12,77,193	56·01	175,09,358	767·89	240·8

Year	Production			
	Tons	Ounces	Index of tons milled	Index of total earnings per ton of ore milled
	11	12	13	14
1939 ...	8,01,787	3,14,644	100	100
1940 ...	7,61,408	2,89,483	95	107·6
1941 ...	8,04,086	2,85,955	100·3	112·3
1942 ...	6,39,417	2,60,336	79·7	150·4
1943 ...	6,51,839	2,52,353	81·3	152·9
1944 ...	4,69,884	1,87,921	58·6	194·2
1945 ...	4,50,507	1,68,407	56·2	206·2
1946 ...	4,12,041	1,31,758	51·4	255·8
1947 ...	5,08,217	1,71,782	63·4	338·2
1948 ...	5,19,555	1,80,085	64·8	335·2

TABLE III.

*KOLAR GOLD FIELD.

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Statement showing Typical Payments and Progressive Increase in Earnings of Daily Rated Employees.

(Excluding Statutory Payments.)

	Per shift per worker									
	Year 1939		July 1946		July 1947		Year 1948		September 1949	
	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.
I. Direct Payments—										
1. Wages and Sundry Bonuses...	...	11·64	1	1·14	1	3·48	1	5·39	1	5·47
2. Attendance Bonus ...	...	2·28	...	0·67	...	1·35	...	1·49	...	0·72
2(a). Shift Bonus ...	...	...	...	...	...	...			...	0 77
3. Dearness Allowance ...	...	...	...	8·61	...	11·47	...	11·51	...	14 12
4. Cost less Sale Price of Food...	...	...	...	1·02	...	0·54	...	0 63	...	1 23
Total ...	...	13.92	1	11·44	2	0·84	2	3·02	2	6·31
II. Special Allowance—										
5. Leave Pay ...	...	...	...	0·73	...	1·00	...	0·91	...	1·24
6. Sick Pay and Maternity benefit.	...	0 20	...	0·42	...	0·29	...	0·36	...	0·32
7. Service Gratuity and Provident Fund.	...	0·09	...	0·98	...	1·34	...	1·42	...	1·84
8. Clothing Allowance ...	..	...	...	0·15	...	0·32	...	0·30	...	0·29
8(a). War Relief Bonus ...	...	...	...	...	...	3·97	...	...	...	...
Total ...	...	0 29	...	2·28	...	6·92	...	2·99	...	3·19
III. Services—										
9. Medical Establishment ...	...	0·46	...	0·92	...	1·11	...	1·33	...	1·32
10. Sanitation ...	...	0·41	...	0·76	...	0·87	...	1·31	...	1·34
11. Food Administration ...	...	...	...	0·24	...	0·21	..	0 25	...	0·24
12. Welfare ...	...	0·15	...	0·32	...	0·29	...	0·55	...	0·56
13. Loss on Housing ...	...	0 36	...	0 73	...	0·66	...	1·05	...	1·19
14. Miscellaneous including Light, Water and Transport, etc.	...	0·38	...	0·44	...	0 52	...	0 70	...	0·71
Total ...	...	1·76	...	3·41	...	3·66	...	5·19	...	5·36
Grand total ...	.	15·97	2	1·13	2	11·42	2	11·20	2	14·86
Average number of persons employed per Mine.	...		...		...		6,926		6,859	
Average shifts worked per month per man.	...		...		...		23·29		24·33	

* Kolar Gold Field Electricity Department excluded.

APPENDIX IV-(a).

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REPLY BY THE MINING COMPANIES AND ELECTRI DEPARTMENT IN ANSWER TO THE ASSOCIATI WRITTEN STATEMENT.

The historical remarks in para 1 of the Associations' state are irrelevant to the terms of reference of this Board. However suggestion that labour has been exploited on the K.G.F. is emp cally denied.

In para 2 under " Present economic position of labour in K.G a statement is made that the average indebtedness of a work about Rs. 200.

The considered opinion of the Mining Companies is that the months' Relief Bonus granted in September 1947 as well as increased pay and allowances received since should have neutra this indebtedness to a large extent but it must be remembered social customs are a contributory cause while credit is easy to o at high rates of interest. However, if labour resort to frequent i strikes as they have done from 1946 onwards, their indebtedne bound to increase by their own acts or omissions, for which Mining Companies cannot be held responsible.

Proposals for the Fixation of Wages.

Under this heading there are a number of items on which Government was advised by the Pay Commission and it is subm that this Board is not empowered to investigate them. They are

(1) Overtime.
(2) Dress Allowance.
(3) Housing.
(4) Sickness Insurance.
(5) Service Pay.
(6) Provident Fund.
(7) Privilege Leave.
(8) Contract System.
(9) Holidays with pay.

Notwithstanding this, however, the Companies have expre below their considered views on some of the points raised in Associations' statement, as they do not wish to be obstructive :—

1. *Basic Wages.*

The suggestion of a Minimum Wage of Rs. 1-8-0 per day as forward by the Labour Association seems to be based on the idea t wages are to be considered as a species of welfare payment and no a *quid pro quo* for a contribution to the economy of the Industry State.

The claim apparently is not that they are paid too little for w they do, (see the objection to considering any form of " work load on the grounds of sufficient food not being available to enable worker to do his best, etc., etc.) but that they are not getting enough which to keep a wife and family and to meet expenses connected w

l customs of the country. This is entirely irrelevant to any economic doctrine, whether Capitalist, Socialist, or Commu- of which consider wages as a reward for economic services d.

h a perversion of the true nature of wages means, in the old Field Mining and Metallurgical Industry, that they would relation to the economic value of the worker, or to the cost of duction, and therefore to the ability of the Industry to pay.

hould be clearly recognised that because a man cannot earn o keep his family in a particular job, it may be an argument ging his employment rather than for raising the wages of his job.

an be definitely stated that no man employed on the K.G.F. n a few very special cases, can change his employment either ore State or in the neighbouring districts of the Madras Presi- nd earn as much wages, either in cash or kind.

is therefore reiterated that under present economic conditions country the wages paid on the K.G.F. Mines are more than eward for the work performed and are as much as the Industry ord.

2. *Periodical Increment.*

he rates of increments now asked for are unreasonable. The ng rates of biennial wage increments on a graduated scale are nable, equitable and adequate and compare more than favourably any other schedule of wages of which the Companies are aware.

The proposal to give effect to the suggested Schedule of Wage s retrospectively is rejected as unnecessary and impracticable. ecessary adjustments in respect of service in grades were effected r the Management's concessions granted in April 1947.

3. *Dearness Allowance.*

The rates of Dearness Allowance granted by the Mining Companies ve been largely guided by the rates fixed by Government for their n employees. The Government rates are still Rs. 12 and Rs. 15 for ir own employees on the Kolar Gold Field. It must be remembered t Dearness Allowance is only one element of the total emoluments. e statement by the Associations that Dearness Allowance should be same as Government of India rates lacks justification, as these are on a par with those paid by the Government of Mysore and must ve a regional aspect related to the local cost of living index.

4. *Overtime.*

Overtime is worked only whenever necessary and is paid for at times the basic wage, which rate the Associations themselves ccepted as reasonable in 1946, when the new Wages Schedule was greed upon. There is no valid reason why it should be increased.

5. *Night Shift Allowance.*

As far as we are aware there is no precedent on any Mine in any rt of the World.

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6. *Dress Allowance.*

This allowance was introduced in 1941 as part of the Safety First Campaign to protect underground workers from minor injuries. The allowance was increased from Rs. 6 to Rs. 10 in 1947. The Rs. 10 per annum now being paid is considered adequate in view of the reduced price of cloth. Special dress is unnecessary for the safety of surface workers, and therefore no necessity for a dress allowance.

7. *Housing.*

There is no obligation whatever to provide housing. Nevertheless the Management has provided housing facilities and over 60 per cent of their labour are living in houses provided by the Management. A large proportion of the remainder have permanent homes in villages and decline to live in the Labour Lines even when offered houses. Efforts are not being spared to make good a deficiency of housing accommodation for those who want it. The Management's building programme has been curtailed owing to non-availability of housing materials. In the meanwhile Government has passed an Employees Housing Act and plan to develop Housing Corporations and to build labour colonies. The demand for house rent allowance is not accepted.

8. *Scavenging Allowance.*

The scale of this request has no parallel in India. The family income of scavengers may be considered the highest of any class of labour.

9. *Welders, Mill Workers' Allowance.*

Eye screens are provided and should be used. If they are used properly no harmful effect can ensue. No instances of injury to the eyes of Welders have come to the notice of the Companies' Hospital authorities; so there is no case for any special allowances. Also in regard to the Mill workers and workers in the Metallurgical plant referred to in the Oorgaum Association's statement, there is no case for any special allowance as claimed.

10. *Sickness Insurance.*

Sick pay amounting to approximately ¾ full pay is allowed to all employees attending the Companies' Hospital. The scales of Accident and Silicosis Compensation are as prescribed in Schedule IV of the Mysore Workmen's Compensation Act, 1928. Temporary Accident Compensation commences from the date of accident.

As far as the Management are aware, uncomplicated Tuberculosis is not a compensatable industrial disease anywhere in the World.

11. *Service Pay.*

The Provident Fund has taken the place of the Old Service Gratuity Scheme. The Management is NOT agreeable to both of them being co-existent. The Provident Fund Scheme is adequate. At present the Service Gratuity Scheme is at the rate of about ½ month's pay per year of Service and Certified Service in any of the Mining or Auxiliary concerns on the Field. Only a very small percentage of the workers have elected to remain in this Scheme.

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12. *Provident Fund.*

Six and a quarter per cent, *i.e.*, one anna in the Rupee has been found to be the most common contribution rate adopted by many Industries and Government Departments. It is adequate.

13. *Privilege Leave.*

In the light of the following statement it is contended that there is no need for further reduction in the number of qualifying days. Any additional leave with pay is not acceptable :—

	Company		Contract
	Surface Company	Underground Company	Underground Contract
Number of days in year	365	365	365
Number of Sundays	52	52	52
Balance	313	313	313
Deduct	15	22	22
Number of days of Privilege Leave ...	(13+2)	(20+2)	(20+2)
	298	291	291
Now required to work for full Privilege Leave.	270	270	250
Days (Spare)	28	21	41

14. *Working Hours.*

A reduction in the working hours underground from 8 to 6 per shift would be detrimental to output. With regard to surface work, the Factories Act provides an 8-hour shift. Hence these demands cannot be conceded.

15. *Holidays with Pay.*

The conceding of additional holidays can be considered only as affecting Privilege Leave.

16. *Share in Profits.*

In view of the fact that both the Indian Dominion Government and the Mysore Government have appointed Expert Committees to examine and report on this, the Management feels it would be advisable to await the reports of these Committees.

17. *Work Loads.*

While not accepting the statement of the Associations that workers have been underfed, the Mining Companies refer the Wage Board to their views already expressed in their written Statements filed on 1st November 1949.

18. *Fathom Bonus.*

Where production bonus is now paid the Management is sympathetic towards a pro rata payment, if the absence is approved as being for *bona fide* reason.

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19. *Monthly Expenses.*

In the opinion of the Management the typical family budget submitted by the Associations is exorbitant and based on a larger family than any taken as standard for one wage earner by the recognised authorities.

A more realistic budget would amount to less than half the total of Rs. 118-14-0 for a family consisting of husband, wife and two children under 14 years, equivalent to three adult consumption units (according to Lusk's coefficients of food requirements) as quoted in the Report of the Committee on Fair Wages, 1949.

For and on behalf of
The Nandydroog Mines, Limited,
The Oorgaum Gold Mining Co. of India, Ltd.
The Champion Reef Gold Mines of India, Ltd.
The Mysore Gold Mining Co., Ltd.
The K.G.F. Electricity Department.
John Taylor & Sons (India), Ltd.
Managers and Secretaries.

OORGAUM,
23rd *November* 1949.

ARTHUR H. E. TAYLOR,
Vice-Chairman.

APPENDIX V.

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Effect of an increase in daily rated pay at 3 annas per day (less Rs. 1-8-0 Attendance Bonus) and increase to monthly rated employees at Rs. 5 per month.

...	Mysore	Champion Reef	Oorgaum	Nandydroog	K. G. F. Elec. Dept.	Total
Daily rated—	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Increase per month-Basic shifts.	29,213	20,664	15,741	24,514	2,121	...
Add: Effect on overtime, sick & leave pay, shift bonus & provident fund.	9,635	6,811	4,885	6,137	912	...
	38,848	27,475	20,626	30,651	3,033	...
Less: Cost of Attendance Bonus.	7,900	5,136	4,180	6,220	725	...
	30,948	22,339	16,446	24,431	2,308	96,472
Monthly rated— Increase per month inclusive of overtime, etc.	2,403	1,772	1,135	1,375	411	7,096
Total cost per month	33,351	24,111	17,581	25,806	2,719	1,03,568
Total cost per annum	4,000,212	2,89,332	2,10,972	3,09,672	32,628	12,42,816

CHAMPION REEFS,
2nd February 1950.

C. SUBRAHMANYA AIYER,
Chairman.

APPENDIX VI.

FORM No. (1).

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Enquiry into the family budgets of Industrial Workers in.....

Date..... General No.....

1. Name of Industry ...	
2. Name of the head of the family. Address	
3. Religion and caste of the family.	
4. Place of birth (District) ... (Province) ...	
*5. Cause of migration ...	
6. Is the head of the family literate?	
7. Was the Head of the family continuously employed during the month of enquiry? If not please state the period and cause of each absence?	
8. How many children of school-going age (*i.e.*, between 6 and 11) are— (*a*) attending school ... (*b*) not attending school ... For what reason are those of school-going age not attending school? ...	
9. General remarks ...	

10. Family income and expenditure for the month of.....19

* This column should be filled only in cases where the head of the family was born elsewhere and migrated to this place.

Number and ages of persons in the family. 382

...	Men	Women	Children under 14 years		Relationship of each to the head of the family and age
			Male	Female	
Average number of persons residing at above address.	1·5	1·7	1·2	...	...
Dependents not living at above address.	...	...	...	...	...
Number of boarders ...	...	...	...	...	...

Family income of those residing at above address during the month of.....19

Wage-earners				Earnings in above month													
...	Relationship of the head of the family	Age	Occupation (1)	Wages			Over-time pay			Additional income					Total		
										Amount			Source				
				Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.			Rs.	a.	p.
Men ...	1·24	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...
Women ...	·04	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...
Children — Male	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...
Children — Female	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...
Total amount of family income (2)	1·28	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...

NOTES.—(1) *Occupation*:—The description of the occupation should be as definite as possible. Thus cotton mill worker is too general. The particular occupation should be specified, for example, cotton weaver or cotton spinner or again, not mechanic but fitter, blacksmith, etc., whatever it is.

(2) *Family Income*.—The monthly wages should include all bonuses regularly received but overtime pay should be entered separately. In the column for additional income should be entered any income which was received otherwise than in the regular course of employment, *e.g.*, income from agricultural land, boarders, etc., grain or other things in kind received from the village, etc.

Expenditure on food, fuel, lighting and rent. 383

Commodities (1) (Note.—This list may be altered according to what is purchased).	Bought at private shops			
	Total quantity in month	Total cost in month		
		Rs.	a.	p.
Food—				
Raw rice	9/16 seers	0	2	3
Boiled rice	35 ,,	8	11	9
Broken rice	2½ ,,	0	11	1
Ragi	36¾ ,,	2	10	0
Wheat	Very poor consumption.	0	0	3
Wheat flour		0	0	6
Soji		0	0	5
Blackgram dhal	¼ seer	0	1	5
Tur dhal	3 seers	0	15	10
Bengalgram	⅓ seer	0	0	11
Bengalgram dhal	⅓ ,,	0	1	11
Avare dhal	⅛ ,,	0	2	3
Karamani	¼ ,,	0	1	3
Greengram	⅛ ,,	0	0	11
Sugar	⅛ ,,	0	2	1
Jaggery, achu (retail)	One piece	0	0	5
Jaggery, coffee	1⅛ viss	0	10	0
Tea (powder or dust) (small)	One packet	0	0	4
Coffee seeds	2 seers	0	5	11
Coffee powder	Two tablets	0	0	5
Fish	1 lb.	0	8	1
Eggs	1 or 2	0	0	9
Fowls (once in two or three months)	...	0	2	8
Meat	3 seers	1	14	8
Milk	4 ,,	0	10	8
Curds and butter milk	1½ ,,	0	2	4
Ghee	⅛ seer	0	4	0
Butter	Poor consptn.	0	0	1
Onions	1 viss	0	3	1
Vegetables	Retail	0	12	2
Fruits	1 plantain	0	0	2
Pickles and preserves	Retail	0	2	0
Gingelly oil	¾ viss	0	12	0
Cocoanut and copra	3	0	3	0
Groundnut oil	½ ,,	0	2	1
Salt	3½ seers	0	4	10
Chillies	⅜ viss	0	13	1
Tamarind	1 ,,	0	5	1
Coriander	1½ seers	0	3	10
Garlic	1 seer	0	2	1
Other condiments and spices	Retail	0	3	2
Meva (almonds, dates, etc.)	...	0	0	0
Bread and biscuits	A dozen	0	1	8
Sweetmeats (consumed at home)... ...	..	0	0	0
Refreshments bought and consumed away from home.	...	0	10	7
Total expenditure on food ...	...	23	10	0

NOTE.—(1) Commodities.—Particulars should only be given for the commodities actually consumed by the family in the month referred to. If any commodities were brought which are not entered in the list, please specify the names of such articles and give particulars of quantities and cost.

Expenditure on food, fuel, lighting and rent—*concld.* 384

Commodities (1) (Note.—This list may be altered according to what is purchased.)	Bought at private shops			
	Total quantity in month	Total cost in month		
		Rs.	a.	p.
Fuel and lighting—				
Firewood	10½ maunds ...	1	8	5
Cowdung cakes	Retail ...	0	0	5
Castor oil	Nearly ½ seer ...	0	2	7
Candles	... ...	0	0	1
Electric lights	... ...	0	0	0
Charcoal	... ..	0	0	0
Kerosene oil	One bottle ...	0	3	11
Match boxes	3—4 boxes ...	0	1	8
Other fuel and lighting (*e.g.*, spirit, batteries, etc.) ..	... ...	0	0	0
Total expenditure on fuel and lighting ...	... ...	2	1	1
Rent—				
Actual rent paid by family including Municipal Tax (2).	...	0	10	9

(2) Rent.—Where more than one family occupies the same tenement, special care should be taken to enter only the share of the rent actually paid by family to which the budget refers.

Expenditure on clothing, shoes and other necessaries not bought every month.

Articles (Note.—The list of articles should be extended so as to include all those in use.) 1	Number of articles in use 2	Cost per article when bought 3			Total cost of articles 4			Estimated number of months that each article will last 5	Estimated cost per month on average 6		
Clothing for men—		Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.
Dhoties ...	...	...	...	...	...	...	...	...	0	4	5
Pyjamas ...	...	...	...	...	...	...	...	...	0	0	3
Phetas ...	...	...	...	...	...	...	...	...	0	0	1
Caps ...	...	...	...	...	...	...	...	...	0	0	3
Trousers ...	...	...	...	...	...	...	...	...	0	3	2
Sweaters and vests	...	...	...	...	...	...	...	...	0	0	9
Coats ...	...	...	...	...	...	...	...	...	0	3	1
Shirts ...	...	...	...	...	...	...	...	...	0	4	6
Handkerchiefs ...	...	...	...	...	...	...	...	...	0	0	1
Socks ...	...	...	...	...	...	...	...	...	0	0	1
Towels ...	...	...	...	...	...	...	...	...	0	1	0
Bannians ...	...	...	...	...	...	...	...	...	0	0	8
Knickers ...	...	...	...	...	...	...	...	...	0	1	1
Total average expenditure per month.	...	...	...	...	...	...	...	...	1	3	5

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Expenditure on clothing, shoes and other necessaries not bought every month—*contd.*

Articles (*Note.*—The list of articles should be extended so as to include all those in use).	Number of articles in use	Cost per article when bought			Total cost of article			Estimated number of months that each article will last	Estimated cost per month on average		
1	2	3			4			5	6		
		Rs.	a.	p	Rs.	a.	p.		Rs.	a.	p.
For Women.											
Saries ...									1	2	5
Jackets ...									0	3	2
Upper cloth ...									0	0	1
Bodice ...									0	0	4
Total ...									1	6	0
For Male Children.											
Dhoties ...									0	0	1
Half-shirts ...									0	2	8
Pyjamas ...									0	0	3
Knickers ...									0	1	8
Coats ...									0	0	11
Caps and hats ...									0	0	1
Baby caps ...											
Stockings ...											
Total ...									0	5	8
For Female Children.											
Saries (small) ...									0	0	9
Davanis ...									0	0	4
Jackets ...									0	0	10
Gowns ...									0	1	8
Jumpers ...									0	1	1
Baby caps ...											
Total ...									0	4	8
Total Expenditure on all clothing.											
Average Expenditure on clothing per month.									3	3	9

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Expenditure on clothing, shoes and other necessaries not bought every month—*concld.*

Articles (*Note.*—The list of articles should be extended so as to include all those in use). 1	Number of articles in use. 2	Cost per article when bought 3			Total cost of articles 4			Estimated number of months that each article will last 5	Estimated cost per month on average 6		
		Rs.	a.	p.	Rs.	a.	p.		Rs.	a.	p.
Umbrellas ...									0	0	4
Shoes or Sandals—											
For Men ...									0	1	11
For Women ...									0	0	1
For Children ...									0	0	1
Total ...									0	2	5
Total expenditure on clothing, umbrellas and shoes or sandals.									3	6	2

Instructions for filling up form on pages 131, 132 and 133.

List of articles.—All the articles used should be entered in column 1. The articles named are only inserted as samples.

Number of articles.—In column 2 should be entered the number of each article actually in use at the time of investigation, including changes of dress possessed by the family.

Cost per article.—In column 3 should be entered the price per article when purchased. If similar articles were purchased at different prices the prices should be entered separately and the number of articles at each price shown.

Total cost.—Column 4 will be obtained by multiplying the number in column 2 by the price in column 3.

Duration of articles.—In column 5 should be entered the total time which each article may be expected to last from the date of its purchase to the date when it is finally discarded as useless.

Cost per month.—Column 6 will be obtained by dividing the total cost in column 4 by the number entered in column 5.

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Actual expenditure incurred on bedding and household necessaries during the month of enquiry.

Articles (The list of articles should be extended so as to include all those in use)	Number of articles purchased	Total cost of articles		
	No.	Rs.	a.	p.
BEDDINGS*				
Cot or Charpoy ...				
Mattresses ...				
Blankets ...				
Sheets ...				
Beds ...				
Cradles ...				
Carpets ...				
Total ...				
HOUSEHOLD NECESSARIES.*				
Utensils ...				
Earthen Pots ...				
Lamps and Chimnies ...				
Pictures ...				
Furniture (chairs, table, etc.)				
Other Household necessaries.				
Total ...		0	3	6
Total monthly expenditure on bedding and Household necessaries.				

*Here show only the items purchased during the month of enquiry and the expenditure incurred on them.

Please state whether brass, aluminium or enamelled iron utensils are mere in use,

Miscellaneous Expenditure.

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Items	Cost per month		
	Rs.	a.	p.
Tooth powder	0	0	1
Barber—5 shaves and a cut	0	9	1
Dhobi—10 clothes	0	5	3
Soap for washing—small bar	0	5	5
Toilet soap—1 or 1½ cakes	0	1	10
Soapnut powder—1½ seers	0	3	3
Hair oil—45 seers	0	2	7
Pan-supari—80 leaves and 1½ seers supari	0	7	4
Chewing tobacco—¼ seer	0	1	6
Bidies and Matches -11 bundles	0	8	2
Cigarettes—Two packets	0	1	8
Liquor*	0	1	0
Toddy—8-9 bottles	1	6	3
Opium		..	
Bangles—A dozen	0	2	1
Combs	0	0	1
Postage	0	1	8
Scavenger fee		...	...
Travelling expenses to and from native place ...	0	4	2
Payment to dependent members of family not residing at address given on page 2.	0	9	1
Interest paid / Capital repaid } Lumpsum	1	10	10
Trade Union subscriptions	0	2	4
Other subscriptions	0	1	5
Tinning	0	0	1
Newspapers	0	0	2
Amusements (Cinema, Drama, etc.)	0	5	1
Medical fees and medicines	0	1	3
Education (Books and fees)	0	1	3
Travelling expenses to and from work		...	
Snuff	0	0	1
Gifts and presents		...	
Charity	0	0	1
Servants for bringing meals to place of work ...		...	
Land revenue	0	0	1
Lottery		...	
Luxuries such as watches, toys, etc.	0	2	5
Flowers etc., for worship	0	3	10
Charges for grinding cereals and pulses ...		...	
Here note any other item of miscellaneous expenditure ...	0	2	2
Total monthly expenditure on miscellaneous items ...	8	5	7

Summary of Income and Expenditure.

Total family income in the month investigated (See page 2)	Rs.	a.	p.
Expenditure:			
Food (see page 130)	23	10	0
Fuel and Lighting (see page 131)	2	1	1
Rent (see page 131)	0	10	9
Clothing, umbrellas and shoes or sandals (see pages 132 and 133).	3	6	2
Bedding and household necessaries (see page 134) ...	0	3	6
Miscellaneous expenditure (see page 135) ...	8	5	7
Total expenditure of family in the month ...	38	5	1

Excess of income over expenditure Rs.
Excess of expenditure over income Rs.
How are the savings invested
or
How is the excess of expenditure over income met.

*State whether the liquor consumed is country or foreign.

Indebtedness.

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Causes. To what extent due to expenditure incurred on	Amount	From whom borrowed	Rate of interest	Nature of security	Terms of repayment
	Rs. a. p.				
(a) Festivals ...					
(b) Marriages ...					
(c) Funerals ...					
(d) Sickness ...					
(e) Unemployment ...					
(f) Other causes ...					
Total debt ...					

ENCLOSURE TO SS/WB1.

(1) Average working class family as worked out from the details on the Family Budget Survey (333 Families) at Kolar Gold Fields, consists of 4·4 units made up of 1·5 males, 1·7 females and 1·2 children (One unit taken as equal to 2 children).

(2) The 333 families investigated consist of 511 males, 579 females and 780 children (both male and female), the dependants numbering 24, 41 and 21 respectively (Male, Female and Children).

NUMBER OF EARNERS AND UNITS.

(3) The total number of earners in 333 families is 428 including 15 female earners; and as such the average earning members per unit works out to 1·28 including 0·04 of the female earner also per family or unit.

(4) The sample family budget form enclosed herewith furnishes the details of the quantities of various articles consumed by a unit family at Kolar Gold Fields as arrived at during the Family Budget Enquiry during 1942.

APPENDIX VI(b).

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The statement of Mr. M. L. Anantharama Rau, Statistical Assistant to the Commissioner of Labour in Mysore, recorded before the committee on 21st December 1949 at Bangalore :—

Under the orders of the Director of Industries and Commerce who was then in charge of Labour matters, I made a survey of the family budgets of K. G. F. workers about the end of 1942 and commencement of 1943. The enquiry comprised of 333 families. The member of units per average family according to the survey was 1·5 males, 1·7 females and 1·2 children (taking 2 children as equivalent to one unit). The member of earners in each family was 1·28. Ex. I is the copy of the standard family budget as prepared by me on the result of the survey. Ex. II is a summary of the conclusions. Ex. III is Working Class Cost of Living Index form for K.G.F. and this gives the prices current in 1936 which is the base year. Family budget survey was done for Bangalore and Mysore Cities. My figures give an average picture.

APPENDIX VII.

Result of the family enquiry conducted by the Committee on 6th December 1949.

Number of families	...	...	40
Male workers	...	...	40
Wives	...	...	36
Children	...	...	97
Mother or Mother-in-law of worker		...	13
Father	...	...	3
Brother	...	...	7
Sister	...	...	12
Other earners	...	...	10

Males (adults)	...	...	50
Females (adults)	...	...	61
Children	..	...	97
Other earners	...	...	10

Average per family.

			Consumption units.
Males (adults)	...	1·25	1·25
Females (adults)	...	1·52	1·26
Children	...	2·42	1·69
			4·20
Other earners	...	1·25	
Consumption units per earner...			3·36

CHAMPION REEFS.

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Enquiry into composition and sizes of families conducted by the Committee on 6th December 1949.

Serial number	Name	Pay per day	Wife or husband	Children	Mother	Father	Brothers	Sisters	Other earners
	HEAD MAISTRY BLOCK.	Rs. a. p.							
1	Chinnappan	1 13 0	1	5	1	...	...	...	...
2	Sundararaj	2 12 0	1	5	...	...	...	1	...
3	Chinnappan (Machine Maistry) ..	1 10 0	1	4+2	...	...	...	...	...
4	Manickam	2 12 0	1	2	...	...	...	1	...
5	Govindaswamy	2 8 0	1	2	...	...	...	...	...
6	Muthan	1 14 0	1	3	...	...	...	...	...
7	Munisami	1 2 0	1	2	...	...	...	...	...
	P. BLOCK.								
8	Muniswamy (Machine Maistry) ...	1 8 0	1	3	...	...	...	...	...
9	Seetharaman (Bell-man) ...	1 1 0	1	1	...	...	...	2	...
10	Manickam (Road-man) ...	1 2 0	1	1	1	...	...	...	...
11	Kamammal (Out-door dept) ...	0 11 0	...	...	1	...	1	1	...
12	Magmari (Pipe cooly) ...	1 0 0	1	...	1	...	...	..	...
13	Sreerangan ...	1 9 0	1	3	...	...	...	...	...
14	Ratnam (Carpenter) ...	0 13 0	...	...	1	...	1	1	...
	S. BLOCK.								
15	Iyagadu (Sanitary maistry) ...	1 2 0	1	4	...	...	...	...	1
16	Penchalinga	0 13 0	...	...	...	...	2	...	1
17	Penchalingadu	0 14 0	1	2	...	...	...	...	2
	G. BLOCK.								
18	Sreenivasan (Fitter-gang) ...	1 1 0	1	3	...	...	...	...	...
19	Thangaraj	1 6 0	1	3	..	...	...	...	...
20	Anthony (Driver)	1 9 0	1	4	...	...	...	...	2
21	Annaswamy (Sink maistry) ...	1 11 0	1	2	1	...	...	...	...
22	Ponnam (Hoisting-cooly) ...	1 3 0	1	1	...	...	...	...	...
23	Ramesan (Mill-cooly) ...	1 2 0	1	4+3	...	...	...	...	...
24	Kuppuswamy	1 8 0	1	3+2	1	1	...	...	...
25	Muniswamy	0 11 0	1	3	...	...	...	...	1
26	Vedaraj (Tinker)	1 6 0	1	...	...	...	...	...	...
27	Thangaraj (Surface stone-breaker).	0 14 0	1	2	...	...	...	...	...
28	Sadasivan	0 8 0	...	...	1	1	1	4	1
29	Bhagyanathan (Contractor-clerk).	51 8 0	1	6	...	...	...	...	...
		Per month.							
30	Pomangam	0 14 0	1	1	1	...	...	1	...
31	Appadorai (Under-ground workman)	...	1	1	1	...	1	...	1
32	Perumal Swami (Under-ground).	...	1	1	1	...	...	...	...
33	Beenu	...	1	2	...	...	1	...	1
34	Gopal	...	1	...	...	..	...	...	...
35	Ramaswamy (Moulder) ...	...	1	6	1	1	...	...	...
36	Sundaram	...	1	4	...	...	...	...	...
37	Parasuram	...	1	...	...	...	...	...	...
38	Govindaraj	...	1	1	...	...	...	...	...
39	Narayanswami	...	1	2	...	...	...	...	...
40	Muthuswami	...	1	4	1	...	...	1	...
		...	36	97	13	8	7	12	10

APPENDIX VIII.

Working Class Cost of Living Index Number for K.G.F. Area for the month of.....194 .

(Average prices from July 1935 to June 1936=100)

Articles	Unit of quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Numbers		
1	2	3	4	5	6	7	8	9
FOOD			Rs. a. p.		Rs. a. p.			
1 Rice	Sr. Msr.	3·5	0 2 0	9/16 plus 2¼ seers.	0 5 0			
2 Boiled Rice	,,	36·9	0 2 1	35	4 8 11			
3 Ragi	,,	11·1	0 0 11	36½	2 1 3			
4 Blackgram Dhal	,,	0·4	0 2 11	¼	0 0 9			
5 Tur dhal	,,	4·2	0 2 8	3	0 8 0			
6 Bengalgram Dhal	,,	0·8	0 1 11	2/3	0 1 4			
7 Avare Dhal	,,	0·6	0 2 1	⅓	0 1 0			
8 Greengram	,,	0·6	0 1 11	½	0 0 6			
9 Sugar	Sr. Wt.	0·5	0 1 4	¼ viss	0 1 8			
10 Jaggery	Viss	2·8	0 3 3	1 achu+1½ viss	0 5 3			
11 Coffee Seeds	Wt. Sr.	1 8	0 4 0	2	0 5 11	Same as 1942.		
12 Fish	,,	2·1	0 3 6	1 lb.	0 3 6			
13 Meat	2 lbs. Wt.	9·0	0 8 0	3 srs. (2 lb.)	0 8 0			
14 Milk	Sr. Msr.	2·8	0 3 3	4	0 10 8	Same as 1942.		
15 Curds	,,	0·6	0 2 0	11/8	0 2 3			
16 Onions	Viss	0·8	0 1 4	1	0 1 4			
17 Ghee	Sr. Wt.	1·1	0 6 0	⅙	0 3 0			
18 Gingelly Oil	,,	3·2	0 2 0	¾ viss	0 7 6			
19 Cocoanut	Each	0·8	0 1 2	3	0 3 6			
20 Groundnut Oil	Sr. Wt.	0·6	0 1 7	½ viss	0 2 0			
21 Salt	Sr. Msr.	1·3	0 1 2	3½	0 3 9			
22 Chillies	Viss	4·0	0 7 8	¾	0 5 9			
23 Tamarind	,,	1·4	0 2 7	1 viss	0 2 7			
24 Coriander	Sr. Msr.	1·2	0 1 4	1½	0 2 0			
25 Garlic	Sr. Wt.	0·6	0 2 0	1	0 2 0			
26 Sojee	Sr. Msr.	0·3	0 2 5	small qty.	0 0 8			
27 Vegetables	Viss	3 8	0 3 0	retail	0 7 2			
28 Readymade Coffee	Cup	3·2	0 0 6	...	0 1 6			
	Total	100·0	(Index Number—Food Articles.)		12 10 9			

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APPENDIX VIII—*contd.*

Articles	Unit of quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Numbers		
1	2	3	4	5	6		8	9
FUEL AND LIGHTING.			Rs. a. p.		Rs. a. p.			
1 Firewood	Maund	75·1	0 2 0	10½	1 5 0			
2 Caster Oil	Sr. Wt.	7·8	0 2 3	½	0 1 1			
3 Kerosene Oil	Bottle	12·1	0 2 3	1	0 2 3			
4 Match Box of 50 Sticks ...	Dozen	5·0	0 3 9	¼	0 1 0			
					1 9 4			
...	Total	100·0	(Index Number—Fuel and Lighting.)					
CLOTHING.			Rs. a. p.		Rs. a. p.			
1 Dhoties	Pair of 8 yards	9·3	2 1 0	1942 3-6-2 reduced to base from index 170.	1 15 10			
2 Cloth for Pyjama, etc. ...	Yard	1·7	0 4 4					
3 Coating	,,	20·4	0 6 5					
4 Shirting	,,	14·7	0 5 0					
5 Saltics	Each	39·4	3 3 0					
6 Cloth for Jackets, etc. ...	Yard	14·5	0 5 3					
					1 15 10			
	Total	100·0	(Index Number—Clothing.)					
HOUSE RENT.			Rs. a. p.		Rs. a. p.			
1 House Rent	...	100·0	0 10 9	...	0 10 9	same as	1942.	
	Total	100·0	(Index Number—House Rent.)					

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Articles	Unit of quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Number		
1	2	3	4	5	6	7	8	9
MISCELLANEOUS.			Rs. a. p.		Rs. a. p.			
1 Barber	1 Shave	14·5	0 1 0	...	0 6 0			
2 Soap for Washing	1 Bar	20·0	0 4 3	1	0 4 3			
3 Soapnut Powder	Sr. Wt.	5·2	0 1 1	1½	0 1 7			
4 Supari	,,	14·1	0 3 3	80 leaves and 1½ seers.	0 7 0			
5 Beedies	Bdle. of 25	15·7	0 1 0	...	0 8 2			
6 Travelling Expenses ...	...	6·7	0 4 2	...	0 4 2			
7 Flowers	1 Bunch	3·9	0 0 6	...	0 2 6			
8 Amusements	1 Show	8·1	0 2 0	...	0 4 0			
9 Charges for Grinding ...	2 Seers	6·1	0 0 2	...	...			
10 Household Necessaries ...	Sr. Wt.	5·7	0 5 0	...	0 3 6	Same as 1942.		
					2 9 2 plus Re. 0-12-7 (Dhoty, tobacco, postage, education, etc.)=Rs. 3-5-9.			
	Total	100·0	(Index Number—Miscellaneous.)					

Groups	Weight proportional to Total Expenditure	Index Number
		Rs. a. p.
1 Food	70·9	12 10 9
2 Fuel and Lighting	6·2	1 9 4
3 Clothing	9·1	1 15 10
4 House Rent	2·1	0 10 9
5 Miscellaneous	11·7	2 9 2
Total ...	100·0	19 7 10 plus Re. 0-12-7= Rs. 20-4-5
(Cost of Living Index Figure.)		

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APPENDIX VIII-(a).

Working Class Cost of Living Index Number for K.G.F. Area for the Month of.....194 .

(Average prices from July 1935 to June 1936=100).

Articles	Unit of Quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Numbers		
1	2	3	4	5	6	7	8	9
FOOD			Rs. a. p.		Rs. a. p.			
1 Rice	Sr. Msr.	3·5	0 2 0	9/16 plus 2½ seers.	0 5 0			
2 Boiled Rice	,,	36·9	0 2 1	35	4 8 11			
3 Ragi	,,	11·1	0 0 11	36½	2 1 3			
4 Blackgram dhal	,,	0·4	0 2 11	¼	0 0 9			
5 Tur dhal	,,	4.2	0 2 8	3	0 8 0			
6 Bengalgram dhal	,,	0·8	0 1 11	2/3	0 1 4			
7 Avare dhal	,,	0·6	0 2 1	½	0 1 0			
8 Greengram	,,	0·6	0 1 11	½	0 0 6			
9 Sugar	Sr. Wt.	0·5	0 1 4	¼ viss	0 1 8			
10 Jaggery	Viss	2·8	0 3 3	1 achu+1½ viss	0 5 3			
11 Coffee Seeds	Wt. Sr.	1·8	0 4 0	2	0 5 11	Same as 1942.		
12 Fish	,,	2·1	0 3 6	1 lb.	0 3 6			
13 Meat	2 lbs. Wt.	9·0	0 8 0	3 Srs. (2 lbs.)	0 8 0			
14 Milk	Sr. Msr.	2·8	0 3 3	4	0 10 8	Same as 1942.		
15 Curds	,,	0·6	0 2 0	11/8	0 2 3			
16 Onions	Viss	0·8	0 1 4	1	0 1 4			
17 Ghee	Sr. Wt.	1·1	0 6 0	½	0 3 0			
18 Gingelly Oil	,,	3·2	0 2 0	¾ viss	0 7 6			
19 Cocoanut	Each	0·8	0 1 2	3	0 3 6			
20 Groundnut Oil	Sr. Wt.	0·6	0 1 7	¼ viss	0 2 0			
21 Salt	Sr. Msr.	1·3	0 1 2	3¼	0 3 9			
22 Chillies	Viss	4·0	0 7 8	¾	0 5 9			
23 Tamarind	,,	1·4	0 2 7	1 viss	0 2 7			
24 Coriander	Sr. Msr.	1·2	0 1 4	1½	0 2 0			
25 Garlic	Sr. Wt,	0·6	0 2 0	1	0 2 0			
26 Sojee	Sr. Msr.	0·3	0 2 5	Small Qty.	0 0 8			
27 Vegetables	Viss	3·8	0 3 0	Retail.	0 7 2			
28 Readymade Coffee	Cup.	3·2	0 0 6	...	0 1 6			
	Total	100·0	(Index Number—Food Articles.)		12 10 9			

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APPENDIX VIII-(a)—*contd.*

Articles	Unit of Quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Numbers		
1	2	3	4	5	6	7	8	9
FUEL AND LIGHTING			Rs. a. a.		Rs. a. p.			
1 Firewood	Maund	75·1	0 2 0	10½	1 5 0			
2 Castor Oil	Sr. Wt.	7·8	0 2 3	½	0 1 1			
3 Kerosene Oil	Bottle	12·1	0 2 3	1	0 2 3			
4 Match box of 50 Sticks ...	Dozen	5·0	0 3 9	¼	0 1 0			
					1 9 4			
	Total	100·0	(Index Number—Fuel and Lighting.)					
CLOTHING			Rs. a. p		Rs. a. p.			
1 Dhoties	Pair of 8 yards	9·3	2 1 0	1942 3-6-2 Reduced to base from Index 170	1 15 10			
2 Cloth for Pyjama, etc. ..	Yard	1·7	0 4 4					
3 Coating	,,	20·4	0 6 5					
4 Shirting	,,	14·7	0 5 0					
5 Saries	Each	39·4	3 8 0					
6 Cloth for Jackets, etc. ...	Yard	14·5	0 5 3					
					1 15 10			
	Total	100·0	(Index Number—Clothing.)					
HOUSE RENT								
1 House Rent		100·0	0 10 9		0 10 9	Same as	1942	
	Total	100·0	(Index Number—House Rent.)					

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APPENDIX VIII-(*a*)—*concld.*

Articles	Unit of Quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Numbers		
1	2	3	4	5	6	7	8	9
MISCELLANEOUS			Rs. a p:		Rs. a. p.			
1 Barber	1 Shave	14·5	0 1 0	...	0 6 0			
2 Soap for Washing	1 Bar	20·0	0 4 3	1	0 4 3			
3 Soapnut Powder	Sr. Wt.	5·2	0 1 1	1½	0 1 7			
4 Supari	,,	14·1	0 3 3	80 leaves and 1½ srs.	0 7 0			
5 Beedies	Bdle. of 25	15·7	0 1 0	...	0 8 2			
6 Travelling Expenses... ...	...	6·7	0 4 2	...	0 4 2			
7 Flowers	1 Bunch	3·9	0 0 6	...	0 2 6			
8 Amusements	1 Show	8·1	0 2 0	...	0 4 0			
9 Charges for Grinding ...	2 Seers	6·1	0 0 2	...	...			
10 Household Necessaries ...	Sr. Wt.	5·7	0 5 0	...	0 3 6	Same as 1942.		
					2 9 2 plus Re. 0-12-7 (Dhoty, tobacco, postage, education, etc.)=Rs. 3-5-9.			
	Total	100·0	(Index Number—Miscellaneous.)					

Groups	Weight proportional to Total Expenditure	Index Number
		Rs. a. p.
1 Food	70·9	12 10 9
2 Fuel and Lighting	6·2	1 9 4
3 Clothing	9·1	1 15 10
4 House Rent	2·1	0 10 9
5 Miscellaneous	11·7	2 9 2
Total ...	[illegible]	19 7 10 plus Re. 0-12-7—20-4-5.

APPENDIX VIII.

Working Class Cost of Living Index Number for K. G. F. Area for the Month of.....194 .
(Average prices from July 1935 to June 1936 = 100)

Articles	Unit of Quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Numbers		
1	2	3	4	5	6	7	8	9
FOOD			Rs. a. p.		Rs. a. p.			
1 Rice	Sr. Msr.	3·5	0 2 0	9/16 plus 2½ seers.	0 5 0			
2 Boiled Rice	,,	36·9	0 2 1	35	4 8 11			
3 Ragi	,,	11·1	0 0 11	36½	2 1 3			
4 Blackgram dhal	,,	0·4	0 2 11	½	0 0 9			
5 Tur dhal	,,	4·2	0 2 8	3	0 8 0			
6 Bengalgram dhal	,,	0·8	0 1 11	2/3	0 1 4			
7 Avare dhal	,,	0·6	0 2 1	⅓	0 1 0			
8 Greengram	,,	0·6	0 1 11	½	0 0 6			
9 Sugar	Sr. Wt.	0·5	0 1 4	¼ viss	0 1 8			
10 Jaggery plus for coffee ...	Viss	2·8	0 3 3	1 achu + 1½ viss	0 5 3			
11 Coffee Seeds	Wt. Sr.	1·3	0 4 0	2	0 5 11	Same as	1942.	
12 Fish	,,	2·1	0 3 6	1 lb.	0 3 6			
13 Meat	2 lbs. Wt.	9·0	0 8 0	3 seers 2 lbs.	0 8 0			
14 Milk	Sr. Msr.	2·8	0 3 3	4	0 10 8	Same as	1942.	
15 Curds	,,	0·6	0 2 0	11/8	0 2 3			
16 Onions	Viss	0·8	0 1 4	1	0 1 4			
17 Ghee	Sr. Wt.	1·1	0 6 0	½	0 3 0			
18 Gingelly Oil	,,	3·2	0 2 0	¾ viss	0 7 6			
19 Cocoanut	Each	0·8	0 1 2	3	0 3 6			
20 Groundnut Oil	Sr. Wt.	0·6	0 1 7	¼ viss	0 2 0			
21 Salt	Sr. Msr.	1·3	0 1 2	3½	0 3 9			
22 Chillies	Viss	4·0	0 7 8	¾	0 5 9			
23 Tamarind	,,	1·4	0 2 7	1 viss	0 2 7			
24 Coriander	Sr. Msr.	1·2	0 1 4	1½	0 2 0			
25 Garlic	Sr. Wt.	0·6	0 2 0	1	0 2 0			
26 Sojee	Sr. Msr.	0·3	0 2 5	Small quantity	0 0 8			
27 Vegetables	Viss	3·8	0 3 0	Retail	0 7 2			
28 Readymade Coffee	Cup	3·2	0 0 6	...	0 1 6			
					12 10 9			
		TOTAL 100·0 (Index Number—Food Articles.)						

APPENDIX VIII—*contd.*

Articles	Unit of Quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Numbers		
1	2	3	4	5	6	7	8	9
FUEL AND LIGHTING.			Rs. a. p.		Rs. a. p.			
1 Firewood	Maund	75·1	0 2 0	10½	1 5 0			
2 Castor Oil	Sr. Wt.	7·8	0 2 3	½	0 1 1			
3 Kerosene Oil	Bottle	12·1	0 2 3	1	0 2 3			
4 Match Box of 50 Sticks ...	Dozen	5·0	0 3 9	¼	0 1 0			
					1 9 4			
TOTAL		100·0 (Index Number—Fuel and Lighting.)						
CLOTHING			Rs. a. p.		Rs. a. p.			
1 Dhoties	Pair of 8 yards	9·3	2 1 0	1942. 3-6-2 Reduced to base from index 170	1 15 10			
2 Cloth for Pyjama, etc. ...	Yard	1·7	0 4 4					
3 Coating ...	,,	20·4	0 6 5					
4 Shirting ...	,,	14·7	0 5 0					
5 Saries ...	Each	39·4	3 3 0					
6 Cloth for Jackets, etc. ...	Yard	14·5	0 5 3					
					1 15 10			
TOTAL		100·0 (Index Number—Clothing.)						
HOUSE RENT			Rs. a. p.		Rs. a. p.			
1 House Rent		100·0	0 10 9		0 10 9	Same as	1942.	
TOTAL		100·0 (Index Number—House Rent.)						

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Articles	Unit of Quantity	Weight proportional to Total Expenditure	Average price per unit of quantity: Year ended June 1936			Index Numbers		
1	2	3	4	5	6	7	8	9
MISCELLANEOUS			Rs. a. p.		Rs. a. p.			
1 Barber	1 Shave	14·5	0 1 0	...	0 6 0			
2 Soap for Washing	1 Bar	20·0	0 4 3	1	0 4 3			
3 Soapnut Powder	Sr. Wt.	5·2	0 1 1	1½	0 1 7			
4 Supari	"	14·1	0 3 3	80 leaves and 1½ seers.	0 7 0			
5 Beedies	Bdle. of 25	15·7	0 1 0	...	0 8 2			
6 Travelling Expenses... ...	...	6·7	0 4 2	...	0 4 2			
7 Flowers	1 Bunch	3·9	0 0 6	...	0 2 6			
8 Amusements	1 Show	8·1	0 2 0	...	0 4 0			
9 Charges for Grinding ...	2 Seers	6·1	0 0 2	...	...			
10 Household Necessaries ...	Sr. Wt.	5·7	0 5 0	...	0 3 6	Same as	1942.	
					2 9 2 plus Rs. 0-12-7 (Dhoby, tobacco, postage, education etc.)=Rs. 3-5-9.			

TOTAL 100·0 (Index Number—Miscellaneous.)

Groups	Weight proportional to Total Expenditure	Index Number
		Rs. a. p.
1 Food	70·9	12 10 9
2 Fuel and Lighting	6·2	1 9 4
3 Clothing	9·1	1 15 10
4 House Rent	2·1	0 10 9
5 Miscellaneous	11·7	2 9 2
Total ...	100·0	19 7 10 plus 0-12-7=Rs. 20-4-5-

(Cost of Living Index Figure)

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APPENDIX VIII(a).

COST OF LIVING FOR A STANDARD FAMILY IN 1936 ACCORDING TO THE SUGGESTIONS OF THE SEVERAL MEMBERS.

I. Family of 4·4 units with 1·28 earners.

Consequently consumption units per earner are 3·43. Cost under several heads for a family of 4·4 units according to the list worked out for the year 1936 (base year) is as follows :—

			Rs.	a.	p.	
1.	Food	...	12	10	9	
2.	Fuel and lighting	...	1	9	4	
3.	Clothing	...	1	15	10	
4.	House rent	...	0	10	9	
5.	Miscellaneous	...	2	9	8	(or Rs. 3-5-9 allowing some extras).
	Total	...	19	7	10	

(Or Rs. 20-4-5 allowing for some extras).

The cost reduced from 4·4 to 3·43 consumption units will therefore be Rs. 15-3-7 (or Rs. 15-12-11). Raised to Index Number 160, this will become Rs. 24-5-9 (or Rs. 25-4-8). This works to Re. 0-15-0 (or Re. 0-15-7) per day for a month of 26 working days.

II. Suggestions of Messrs. Rathnasabhapathy and Bhagyanathan.

Family of an earner is 3·43 consumption units. Cost of living in 1936 :—

			Rs.	a.	p.
1.	Food	...	13	14	0
2.	Fuel and lighting	...	1	12	0
3.	Clothing	...	2	4	0
4.	House rent	...	0	12	2
5.	Miscellaneous	...	4	6	2
	Total	...	23	0	4

Reduced to 3·43 consumption units this works to Rs. 17-15-9. Raised to Index Number 160, this becomes Rs. 27-12-5 working to Rs. 1-1-1 per day.

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III. Mr. Sundararaja Iyengar's suggestion.

Family 4·5 consumption units. Cost of living :—

			Rs.	a.	p.
1.	Food	... ...	15	13	3
2.	Fuel and lighting	... ...	1	11	7
3.	Clothing	... ...	2	8	0
4.	House rent	... ...	0	12	9
5.	Miscellaneous	... ...	4	6	2
		Total ...	25	3	9

(*a*) For 4·5 consumption units the cost will be Rs. 25-12-11. Raised to Index Number 160, it will be Rs. 41-4-8 working to Rs. 1-9-5 per day.

(*b*) For 3·43 consumption units, the amount will be Rs. 19-11-5. Raised to Index number 160, this will be Rs. 31-8-8. This works to Rs. 1-3-5 per day.

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APPENDIX VIII(a).

COST OF LIVING FOR A STANDARD FAMILY IN 1936 ACCORDING TO THE SUGGESTIONS OF THE SEVERAL MEMBERS.

I. Family of 4·4 units with 1·28 earners.

Consequently consumption units per earner are 3·43. Cost under several heads for a family of 4·4 units according to the list worked out for the year 1936 (base year) is as follows:—

			Rs.	a.	p.	
1.	Food	...	12	10	9	
2.	Fuel and lighting	...	1	9	4	
3.	Clothing	...	1	15	10	
4.	House rent	...	0	10	9	
5.	Miscellaneous	...	2	9	8	(or Rs. 3-5-9 allowing some extras).
	Total	...	19	7	10	

(or Rs. 20-4-5 allowing for some extras).

The cost reduced from 4·4 to 3·43 consumption units will therefore be Rs. 15-3-7 (or Rs. 15-12-11). Raised to Index number 160, this will become Rs. 24-5-9 (or Rs. 25-4-8). This works to Re. 0-15-0 (or Re. 0-15-7) per day for a month of 26 working days.

II. Suggestions of Messrs. Rathnasabhapathy and Bagyanathan.

Family of an earner is 3·43 consumption units. Cost of living in 1936:—

				Rs.	a.	p.
1.	Food	...	...	13	14	0
2.	Fuel and lighting	...	...	1	12	0
3.	Clothing	...	...	2	4	0
4.	House rent	...	...	0	12	2
5.	Miscellaneous	...	...	4	6	2
		Total	...	23	0	4

Reduced to 3·43 consumption units this works to Rs. 17-15-9. Raise to Index Number 160, this becomes Rs. 27-12-5 working to Rs. 1-1-1 per day.

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III. Mr. Sundararaja Iyengar's suggestion.

Family of 4·4 consumption units. Cost of living :—

			Rs.	a.	p.
1.	Food	... ...	15	13	3
2.	Fuel and lighting	... ...	1	11	7
3.	Clothing	... ...	2	8	0
4.	House rent	... ...	0	12	9
5.	Miscellaneous	... ...	4	6	2
		Total ...	25	3	9

(*a*) For 4·5 consumption units the cost will be Rs. 25-12-11. Raised to Index Number 160, it will be Rs. 41-4-8 working to Rs. 1-9-5 per day.

(*b*) For 3·43 consumption units, the amount will be Rs. 19-11-5. Raised to Index Number 160, this will be Rs. 31-8-8. This works to Rs. 1-3-5 per day.

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APPENDIX VIII(a).

COST OF LIVING FOR A STANDARD FAMILY IN 1936 ACCORDING TO THE SUGGESTIONS OF THE SEVERAL MEMBERS.

I. Family of 4·4 units with 1·28 earners.

Consequently consumption units per earner are 3·43. Cost under several heads for a family of 4·4 units according to the list worked out for the year 1936 (base year) is as follows .—

			Rs.	a.	p.	
1.	Food	...	12	10	9	
2.	Fuel and lighting	...	1	9	4	
3.	Clothing	...	1	15	10	
4.	House rent	...	0	10	9	
5.	Miscellaneous	...	2	9	8	(or Rs. 3-5-9 allowing some extras).
	Total	...	19	7	10	

(or Rs. 20-4-5 allowing for some extras).

The cost reduced from 4·4 to 3·43 consumption units will therefore be Rs. 15-3-7 (or Rs. 15-12-11). Raised to Index Number 160, this will become Rs. 24-5-9 (or Rs. 25-4-8). This works to Re. 0-15-0 (or Re. 0-15-7) per day for a month of 26 working days.

II. Suggestions of Messrs. Rathnasabhapathy and Bhagyanathan.

Family of an earner is 3·43 consumption units. Cost of living in 1936 :—

				Rs.	a.	p.
1.	Food	...	...	13	14	0
2.	Fuel and lighting	...	...	1	12	0
3.	Clothing	...	...	2	4	0
4.	House rent	...	...	0	12	2
5.	Miscellaneous	...	...	4	6	2
		Total	...	23	0	4

Reduced to 3·43 consumption units this works to Rs. 17-15-9. Raised to Index Number 160, this becomes Rs. 27-12-5 working to Rs. 1-1-1 per day.

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III. Mr. Sundararaja Iyengar's suggestion.

Family 4·5 consumption units. Cost of living :—

			Rs.	a.	p.
1.	Food	... ...	15	13	3
2.	Fuel and lighting	... ...	1	11	7
3.	Clothing	... ...	2	8	0
4.	House rent	... ...	0	12	9
5.	Miscellaneous	... ...	4	6	2
		Total ...	25	3	9

(*a*) For 4·5 consumption units the cost will be Rs. 25-12-11. Raised to Index Number 160, it will be Rs. 41-4-8 working to Rs. 1-9-5 per day.

(*b*) For 3·43 consumption units, the amount will be Rs. 19-11-5. Raised to Index Number 160, this will be Rs. 31-8-8. This works to Rs. 1-3-5 per day.

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APPENDIX IX.

MR. GNANAPRAKASAM.

WORKSHOP FITTER CHAMPION REEF MINES.

PRESIDENT :

Champion Reef Labour Association.

An average family consists of—

One husband.

Rosa is a wife in west families 2 per cent bachelors.

Two children between 10 and 11 years, two children below 10.

One mother in 70 per cent of the families.

One father in 70 per cent of the families.

One brother or sister in 25 per cent of the families.

Each family consists of six consumption units.

At the present prices, it will cost Rs. 12 per unit per month for foodstuffs *i.e.* Rs. 72 for food.

For fuel and lighting Rs. 10 per month for the family.

Clothing per year for the family Rs. 65 *i.e.* Rs. 5½ per month.

The rent for house at company's rate is 8 annas per month.

Outside rent is Rs. 3 per month at least.

Miscellaneous expenditure will be Rs. 15 per month.

Education costs Rs. 7 per month.

The total expenditure per month per family is Rs. 120.

I get a pay of Rs. 53 per month on Rs. 1-2-0 daily wages.

I have debts of Rs. 240.

I have been in work in K.G.F. for 11 years.

I was on Military duty from 1941-1943.

I was getting about Rs. 200 in Military Service per month.

The lowest wage to an unskilled surface worker sufficient for his needs will be Rs. 1-8-0 per day.

The dearness allowance at least should be Rs. 35.

An underground driver should get wages of Rs. 7 per day. That work is very hard.

The attendance bonus may be abolished and merged in the wage.

There is a larger amount of sickness in most families. The family members have to go to the City Hospitals. We have to go to private doctors also *i.e.*, the family members. I paid Rs. 53 to a private doctor for treatment of my wife. The conditions of life is very difficult.

Underground workers have to work in dust and dirt. An underground worker has to get Re. ½ more than a surface worker.

Travelling expenses per year for a family to go to temples and the village etc., is Rs. 50 per year.

For cinemas, dramas, etc., Rs. 10 is necessary per month.

For clothing Rs. 80 per year is required and not Rs. 65.

Rs. 90 per month is required for food per 6 units and not Rs. 72.

C. SUBRAHMANYA AIYAR.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. S.D. 1700—C. 32-50-12, dated Bangalore, the 6th June 1950.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act XX of 1947, His Highness the Maharaja is pleased to direct that the following amendment shall be made in the Vegetable Oil Products Control Order, 1948, and to direct with reference to sub-rule (1) of rule 119 of the said Rules that notice of this amendment shall be given by the publication of the same in the official Gazette, namely :—

In sub-clause (1) of clause 4 of the said Vegetable Oil Products Control Order, 1948, *for* the word "producer" the word "person" *shall be substituted.*

By Order of His Highness the Maharaja,

No. A.F. 2437—Mart. 9-50-2, dated Bangalore, the 8th June 1950.

In exercise of the powers conferred by Section 4 of the Mysore Agricultural Produce Markets Act, (No. XVI of 1939), His Highness the Maharaja of Mysore, is pleased to declare that with effect from 1st October 1950, Tumkur Town Municipal Limits, shall be a "Market" established under the said Act for the Agricultural produce noted below :—

1. Groundnut.	4. Jaggery.
2. Soapnuts.	5. Arecanuts.
3. Tamarind.	6. Honge seeds.

By Order of His Highness the Maharaja,

No A.F. 2441—Mart. 9-50-3 dated Bangalore, the 8th June 1950.

Under Section 5 of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), His Highness the Maharaja of Mysore is pleased to declare that the undermentioned. Taluks shall be the area in which the producers of Agricultural Produce shall be entitled to be represented on the Market Committee for the Market constituted under Notification No. A.F. 2437—Mart. 9-50-2, dated 8th June 1950.

1. Koratagere.
2. Madhugiri.
3. Pavagada.
4. Tumkur.
5. Gubbi.
6. Kunigal.
7. Sira.

By Order of His Highness the Maharaja,

No. C. 306—Co. 23-49-49, dated Bangalore, the 10th June 1950.

In exercise of the powers conferred by Section 3 and Clause (a) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Notification No. C. 3130—Co., dated the 3rd October 1949 namely :—

In the schedule annexed to the said notification.

(1) To the entries under the heading "The Upjohn Company, U. S. A." the following entries shall be added, namely :—

	Rs.	a.	p.
"Pyridoxine Hydrochloride 6 x 2 c.c. 50 ampoules	6	0	0
Pyridoxine Hydrochloride 5 c.c. 100 mg. ampoules	22	0	0
Penicillin G Crystalline 10 lakh unit vials	10	8	0

(2) To the entries under the heading "J. R. Geigy S. A. Basle" the following entries shall be added, namely :—

Irgafen Eye Ointment in tubes of 5 g. ...	2	0	0
Irgafen Eye Ointment in boxes of 25 tubes of 5 g.	46	4	0

(3) The following heading and entries shall be added, namely :—

"LEDERLE LABORATORIES (INDIA) LTD.

AUREOMYCIN HYDROCHLORIDE CAPSULES.

250 mg. per capsule 8 capsules ...	35	0	0

AUREOMYCIN HYDROCHLORIDE INTRAVENOUS.

100 mg. 1 vial	13	2	0

AUREOMYCIN HYDROCHLORIDE OINTMENT.

30 mg. per gm. ½ oz. tube ...	8	11	0

AUREOMYCIN HYDROCHLORIDE OINTMENT.

(Ophthalmic) 1 mg. per gm. 6⅛ oz. tube ...	13	12	0

AUREOMYCIN HYDROCHLORIDE SPERSOIDS.

Brand of Aureomycin HCL powder 50 mg. per dose 25 doses	27	1	0

LEDERCILLIN PARENTERAL.

Brand of Crystalline Procaine Penicillin G (300,000 units) with Buffered Crystalline Penicillin G Potassium (100,000 units)	1 dose (400,000 units vial) ...	7	10	0

LEDERCILLIN SPERSOIDS.

Brand of Buffered Crystalline Penicillin G Powder — 50,000 units each dose	25 doses	17	5	0

PACITANE (FORMERLY ARTANE). 100

Brand of Trihexyphenidyl — 2 mg. ...	16	10	0

BUFFERED CRYSTALLINE PENICILLIN G POTASSIUM.

200,000 units vial	2	4	0

BUFFERED CRYSTALLINE PENICILLIN G POTASSIUM.

500,000 units vial	4	8	0

BUFFERED CRYSTALLINE PENICILLIN G POTASSIUM.

1,000,000 units vial	8	12	0

By Order of His Highness the Maharaja,

No. C. 320—Co. 12-50-2, dated Bangalore, the 10th June 1950.

In pursuance of clause 5 of the Cement Rationing and Licensing Order, 1948 and in modification of Government Notification No. S. D. 1568—Co. 1-48-2, dated 24th August 1948, the price of 'Shankar Brand Cement' received by Messrs. Bangalore Cement Supplies, Bangalore from Messrs. The India Cement, Ltd., 11—12, Second Line Beach, Madras, is hereby fixed at Rs. 90 per ton in full waggon load for destination.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

No. Fl. 2316—S.T. 8-50-4, dated Bangalore, 13th June 1950.

The following draft of further amendments to the Mysore Sales Tax Rules, 1948, which it is proposed to make in exercise of the powers conferred by section 25 of the Mysore Sales Tax Act, 1948, (Mysore Act No. XLVI of 1948), are hereby published for the information of all persons likely to be affected thereby, as required by sub-section (4) of the said section.

Notice is hereby given that the draft will be taken into consideration after four weeks from the date of publication of this notification in the official Gazette.

Objections or suggestions, if any, to the said draft may be forwarded to the Legal Remembrancer and Secretary to Government, Law Department, Public Offices, Bangalore, so as to reach him within the aforesaid period.

Draft Amendment.

In the Mysore Sales Tax Rules, 1948,—

1. To rule 5, the following provisos shall be added, namely :—

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st day of March 1950 a licensee's liability to pay any final fee for that year shall be fixed on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in that year but the fee payable shall be on the actual turnover for nine months at the rate applicable to the turnover for a full year of twelve months fixed as above.

Illustrations.—(*a*) "A" is a licensee with a turnover of less than Rs. 7,500 for nine months in the year 1949-50. His *pro rata* turnover for twelve months will not exceed Rs. 10,000. Hence, he will not be liable to pay any final license fee for that year.

(*b*) "A" is a cotton dealer with a turnover of Rs. 7,500 for nine months in 1949-50. The *pro rata* turnover for twelve months will be Rs. 10,000. The amount of fee payable by "A" for 1949-50 will be Rs. 75×7,500/10,000 or Rs. 56-4-0. But the renewal fee for 1950-51 will be Rs. 75.

(*c*) If, in the above case, "A" has a turnover of Rs. 18,000 for nine months in 1949-50 his liability to pay final fee is to be fixed on a turnover of Rs. 24,000, and the fee payable by him for that year will be ¾ of 150 or Rs. 112-8-0. The renewal fee for 1950-51 will be Rs. 150.

(*d*) Again, in the above case, if "A" has a turnover of Rs. 78,000 for nine months in 1949-50, his liability to pay final fee for that year will be at the rate applicable to a turnover of Rs. 1,04,000. The fee payable by him for that year will be $\frac{3}{4}$ of 250 or Rs. 187-8-0. The renewal fee for 1950-51 will be Rs. 250.

(*e*) Further again, in the above case, if the turnover of "A" for nine months in 1949-50 is Rs. 9,90,000 his liability to pay final fee will be at the rate applicable to the turnover of Rs. 13,20,000. But the fee payable by him for that year will be limited to Rs. 1,000. The renewal fee for 1950-51 will also be Rs. 1,000.

Provided also that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a licensee's liability to pay any fee for the grant or renewal of a license shall be fixed *pro rata* on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in the year 1949-50. The fee payable shall be on the turnover for a full year of twelve months fixed as above."

2. To Rule 13, the following proviso shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a dealer's liability to pay any tax for that year shall be fixed *pro rata* on the average of the turnover for a full year of twelve months based on the turnover for final assessment for the year 1949-50 and the tax thus payable shall be recovered in quarterly instalments."

3. To Rule 14, the following proviso shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a dealer's liability to pay any tax for that year shall be fixed *pro rata* on the average of the turnover for a full year of twelve months based on the turnover for final assessment for the year 1949-50, the tax thus payable being recovered in quarterly instalments."

4. To Rule 16, the following provisos shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

Provided also that, if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in Form VIII-2 for the four quarters of the year."

5. In Rule 17--

1. To sub-rule (2), the following proviso shall be added, namely :--

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949, and ending with the 31st March 1950, a dealer's liability to pay any final tax for that year shall be fixed *pro-rata* on the average of the turnover for the year of twelve months based on the actual turnover for the nine months in that year but the tax payable shall be on the actual turnover for nine months in that year."

2. To sub-rule (3) the following proviso shall be added, namely :—

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st March 1950, a dealer's liability to pay any final tax for that year shall be fixed *pro-rata* on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in the year 1949-50, but the tax payable shall be on the actual turnover for nine months in that year."

3. After the proviso to clause (a) of sub-rule (4), the following proviso shall be added, namely :—

"Provided also that in respect of the year 1950-51 the assessing authority shall make provisional assessment for the four quarters of the year and for this purpose the dealer's liability to pay any tax shall be fixed on the average of the turnover for a full year based on the turnover for final assessment for the year 1949-50."

4. After the third proviso to sub-rule (4), the following provisos shall be added, namely :—

(iv) Provided that in respect of the year 1950-51, commencing on the 1st day of April 1950, and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

(v) Provided also that if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year.

(vi) Provided further that in respect of the year beginning on the 1st day of April 1951, he shall continue to pay tax as in the last quarter of the preceding year."

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, SATURDAY, JUNE 17, 1950.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

Order No. L.D. 760—Legis. 19-50-1, dated Bangalore, 17th June 1950.

Ordered that the accompanying Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950, which was promulgated by His Highness the Maharaja, on the eleventh day of June 1950 be published as Mysore Ordinance No. III of 1950, in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department

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MYSORE ORDINANCE No. III OF 1950.

THE MYSORE ALIENATED VILLAGES (PROTECTION OF TENANTS AND MISCELLANEOUS PROVISIONS) ORDINANCE, 1950.

(Promulgated on the eleventh day of June 1950).

An ordinance to provide for temporary protection of tenants in alienated villages in Mysore and to ensure that such tenants are not deprived of the usual amenities reserved for the use of the village community.

Preamble.

WHEREAS the Mysore Legislative Assembly is not in session and the Rajpramukh of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action to provide, pending further legislation, for the temporary protection against eviction of tenants in alienated villages and also to ensure that the tenants are not deprived of the usual amenities by the disposal of trees and to prevent the alienation of reserved land or lands in the possession of tenants :

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Rajpramukh of Mysore is pleased to promulgate the following Ordinance :

Short title, extent and commencement.

1. (1) This Ordinance may be called the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950.

(2) It extends to the whole of Mysore and shall apply to all alienated villages in Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context :—

(1) "alienated village" includes a Khayamgutta village ;

(2) "reserved land" means, in an alienated village to which the provisions of Chapters VIII and IX of the Mysore Land Revenue Code, 1888, have been applied, all lands which have been reserved under section 39 of the said Code, and, in an alienated

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village to which Chapters VIII and IX of the said Code have not been applied, all land other than—

(a) land held by Kadim tenants or permanent tenants; or land in the possession of tenants at will, and

(b) land in the possession of the holder of the alienated village and cultivated by himself or by his own servants or by hired labour, continuously since the 1st day of July, 1946.

(3) All other expressions shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888.

Bar against eviction of tenant.

3. Notwithstanding anything contained in any law for the time being in force, or any contract between the parties, no suit shall lie for the eviction of a tenant in an alienated village who has been holding, or is in possession of, land used for purposes of agriculture uninterruptedly from the first day of July, 1946, nor such tenant shall be evicted in pursuance of any decree or order of any court, or otherwise, if such tenant tenders to the superior holder, or any person acting on his behalf, within two months from the date of commencement of this Ordinance the rent or land revenue due in respect of the land up to and including the year ending with the 30th day of June, 1949, and is willing to hold or continue in possession of the land thereafter as a tenant on the same terms and conditions on which he was holding, or was in possession of, the same on the said 1st day of July, 1946:

Provided that, subject to the provisions of section 4, the protection afforded by this section shall continue only so long as the rent or land revenue for any year is tendered by the tenant to the superior holder, or any person acting on his behalf, before the expiry of the 30th day of June of that year.

Rent to be reduced or suspended in certain cases.

4. When owing to inadequate rainfall in any tract the State Government orders the suspension or remission of assessment in respect of lands in the said tract, the rent or land revenue payable by a tenant in an alienated village in the said tract to his superior holder shall be deemed to have been suspended or remitted in the same proportion as the assessment due to the State Government—

in such tract in respect of unalienated villages is suspended or remitted.

Revival of rights, liabilities and obligations after the expiry of the Ordinance.

5. Any right, privilege, obligation or liability acquired, accrued or incurred under any enactment, decree or order of any court, or under any contract between the parties, immediately before the commencement of this Ordinance or which may be acquired, accrued or incurred, during the period this Ordinance remains in force, but the enforcement of which has been stayed by the provisions of this Ordinance shall, notwithstanding anything contained in section 6 of the Mysore General Clauses Act, 1899, immediately on the expiration of this Ordinance revive and be enforceable as if this Ordinance had not been promulgated.

In computing the period of limitation for the enforcement of any such right, privilege, obligation, or liability, the period during which the proceedings in respect thereof are stayed under this Ordinance shall be excluded, notwithstanding anything contained in any law for the time being in force.

Prohibition of alienation of reserved lands.

6. (1) No superior holder shall, without the previous approval in writing of the Deputy Commissioner, sell, mortgage, lease or otherwise assign or alienate any reserved land or land in the possession of tenants in any alienated village.

(2) Notwithstanding anything contained in any law for the time being in force, any sale, mortgage, lease or other assignment or alienation of any reserved land or of land in the possession of tenants effected

(i) after the 1st day of July, 1948 ; or

(ii) after the commencement of this Ordinance in contravention of sub-section (1),

shall be void and shall have no effect :

Provided that any sale, mortgage, lease, or other assignment or alienation effected after the 1st day of July, 1948, and before the commencement of this Ordinance shall not be void, if such sale, mortgage, lease, assignment or alienation is confirmed by the Deputy Commissioner on the ground—

(*a*) that the transaction has been entered into in good faith ; or

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(*b*) that the transaction has been entered into for valuable consideration; or

(*c*) that confirmation is necessary for maintaining the agricultural economy of the State.

Prohibition of disposal of trees.

7. (1) Notwithstanding anything contained in any law for the time being in force, no person shall fell, lop, sell or otherwise dispose of, any tree, in an alienated village, except under the orders in writing of the Deputy Commissioner:

Provided that the State Government may, by notification in the *Mysore Gazette*, exempt any specified class or classes of trees from the operation of this sub-section.

(2) Any person who contravenes the provisions of sub-section (1) and any person who abets such contravention, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Appeals and revision.

8. (1) Any person aggrieved by any order of a Deputy Commissioner under this Ordinance may, within thirty days of the date of communication of the order, appeal to the Revenue Commissioner; and the decision of the Revenue Commissioner on such appeal shall, subject to the provisions of sub-section (2), be final.

(2) The State Government may, in its discretion, call for and examine the record of any order passed by the Deputy Commissioner or the Revenue Commissioner for the purpose of satisfying itself as to the propriety of such order and may pass such order in reference thereto as it thinks fit.

Deputy Commissioner to sanction prosecutions.

9. No prosecution for any offence punishable under this Ordinance shall be instituted except with the previous sanction of the Deputy Commissioner of the District.

Bar of jurisdiction.

10. (1) No notification issued or order made in exercise of any power conferred by or under this Ordinance, shall be called in question in any Court of Law.

(2) No suit or other legal proceeding shall lie against the State Government, the Revenue Commissioner or the Deputy Commissioner or any other person in respect of any damage caused or likely to be caused by anything

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in good faith done or intended to be done in pursuance of this Ordinance or of any rules made thereunder.

Rules.

11. The State Government may by notification in the *Mysore Gazette* make rules to carry out the purposes of this Ordinance.

Repeal and savings.

12. The Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) (Emergency) Act, 1949, (LXXVI of 1949), is hereby repealed. But any rules or orders made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of the powers conferred by or under this Ordinance, as if this Ordinance had come into force on the twelfth day of December 1949.

JAYACHAMARAJA WADIYAR,
Maharaja of Mysore.

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PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 761—Legis. 5-50-9, Bangalore, dated 16—17th June 1950.

Ordered that the accompanying Constitution (Removal of Difficulties) Order, No. V, published in the *Gazette of India*, dated the 6th June 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

New Delhi, the 6th June 1950. 423

S.R.O. 116.—The following Order made by the President is published for general information :—

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER, NO. V.

C.O.18.—In exercise of the powers conferred by clause (1) of article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Constitution (Removal of Difficulties) Order, No. V.

(2) It shall come into force at once.

2. During a period of two years from the commencement of this Order, the Constitution of India shall have effect subject to the following adaptations :

(1) In clause (1) of article 127, after the words "any session of the Court" the words and figures "or if for the speedy disposal of the appeals transferred to the Supreme Court by clause (4) of article 374 it is expedient so to do" shall be inserted.

(2) After clause (1) of article 348, the following clause shall be inserted, namely :—

"(1A) Notwithstanding anything in sub-clause (a) of clause (1), the Supreme Court may permit the use of the Urdu language to such extent as it thinks fit in proceedings relating to or arising out of appeals transferred to it by clause (4) of article 374."

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Joint Secretary.

NOTIFICATION.

No. L.D. 765—Legis. 6-50-6, dated Bangalore, the 19th June 1950.

Ordered that the accompanying Notification No. S.R.O. 62, dated 20th May 1950 of the Ministry of Finance (Revenue Division)—Customs, under the Sea Customs Act, 1878, published in the *Gazette of India*, dated the 20th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF FINANCE (REVENUE DIVISION). 4224

NOTIFICATION

CUSTOMS.

New Delhi, the 20th May 1950.

S. R. O. 62.—Whereas India is a party to the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade dated the 10th October 1949,

Now, therefore, in exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to direct that with effect from the 20th May 1950, the articles specified in the third column of the Schedule hereto annexed, shall be exempt from so much of the customs duty leviable thereon under the Indian Tariff Act, 1934 (XXXII of 1934), as is in excess of the rates specified in the fourth column of the said Schedule, namely :—

SCHEDULE

Sl. No.	Relative item No. in the First schedule to the Indian Tariff Act, 1934	Name of article	Standard rate of duty
1	2	3	4
1	8 (2)	Figs	30 per cent *ad valorem*
2	13 (3)	Gum Mastic	25 per cent *ad valorem*
3	15 (6)	Green sulphur (olive) oil, that is, oil obtained by pressing the seeds of olives	30 per cent *ad valorem*
4	16	Canned or bottled bacon, ham and lard...	20 per cent *ad valorem*
5	25 (7)	Marble and stone, not otherwise specified, including pumice stone ...	25 per cent *ad valorem*
6	28 (8)	Citric and Tartaric acids, other than synthetic	25 per cent *ad valorem*
7	28 (8)	Potassium chlorate	25 per cent *ad valorem*
8	31 (2)	The following natural essential oils, namely : -- Bergamot and Lemon... ...	25 per cent *ad valorem*
9	40	Wood and timber of the following North European Coniforous species, namely :— Pinus sylvestris and Arbius exelsa ...	25 per cent *ad valorem*
10	43	Wood pulp	15 per cent *ad valorem*
11	58	Articles made of stone (including pumice stone) and Marble	25 per cent *ad valorem*
12	82	Coral, prepared	25 per cent *ad valorem*
13	87	Pre-fabricated timber houses ...	25 per cent *ad valorem*
14	87	Staple fibre (excluding yarn) ...	25 per cent *ad valorem*

NOTE.—The additional duties of customs leviable under section 5 of the Indian Finance Act. 1950, shall not be levied and collected on the articles specified in this Schedule.

[No. 44]

K. R. P. AIYANGAR, *Joint Secy.*

NOTIFICATION. 425

No. L.D. 766—Legis. 6-50-7, dated Bangalore, the 19th June 1950.

Ordered that the accompanying Notifications No. C. 7-1--49, dated 18th May 1950, and No. QB. 25-14—49, dated 19th May 1950 of the Ministry of Communications, amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, dated the 27th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 18th May 1950.

No. C. 7-1/49.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

For rule 49 of the said Rules, the following rule shall be substituted, namely :—

" 49. A parcel redirected to any place served by the Inland post shall, save where the original address and the substituted address are within the delivery area of the same post office, or are within the same post town, or where the parcel has been returned as unclaimed or refused for delivery to the sender within the delivery area of the post office of issue or the same post town, be chargeable in respect of each redirection with further postage amounting to half the prepaid rate."

P. K. ROY, Dy. Secy.

POSTS AND TELEGRAPHS.

New Delhi, the 19th May 1950. 426

No. QB. 25-14/49.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Post Office Rules, 1933, namely,—

For sub-rule (2) of rule 64 of the said Rules, the following sub-rule shall be substituted, namely :—

"(2) No article for which an acknowledgment is required under sub-rule (1) shall be accepted for registration unless it bears the name and address of the sender and is accompanied by a prescribed form of acknowledgment duly filled in and securely attached to such article."

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. L.D. 767—Legis. 6-50-8, dated Bangalore, 19th June 1950.

Ordered that the accompanying Notifications No. 3 (11) Genl./50 and No. 3 (14) Genl./50-II, dated 27th May, 1950 of the Ministry of Rehabilitation, under the Displaced Persons (Claims) Act, 1950, published in the *Gazette of India*, dated the 31st May, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION.

New Delhi the 27th May 1950

No. 3 (11)-GENL./50.—In exercise of the powers conferred by Section 3 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to appoint each of the Officers mentioned in column 3 of the Schedule hereto annexed as a Registering Officer for the purpose of the said Act in respect of the area specified in the corresponding entry in column 4 of the said schedule.

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SCHEDULE.

Serial No. 1	Name of State 2	Designation of Registering officer 3	Territorial Jurisdiction 4
PART 'A' STATES			
1	Bombay ...	All collectors ...	In their respective Districts.
2	Bihar ...	(i) District Magistrates of Patna, Gaya, Shahabad, Muzaffarpur, Monghyr and Purnea Districts.	Do
		(ii) Additional District Magistrates of Dhanbad and Saharse.	Do
		(iii) Deputy Commissioners of Santhal Parganas, Ranchi Hazari Bagh, Palamau, Singhbhum, and Manbhum Districts.	Do
3	Madras ...	All Collectors ...	Do
4	Madhya Pradesh...	All Deputy Commissioners ...	Do
5	Orissa ...	All Collectors and Deputy Commissioners.	Do
6	Punjab ...	All Deputy Commissioners ...	Do
7	Uttar Pradesh ...	All Collectors and Deputy Commissioners.	Do
PART 'B' STATES			
1	Madhya Bharat ...	All Subas ...	Do
2	Mysore ...	All Deputy Commissioners ...	Do
3	Pepsu ...	All Deputy Commissioners ...	Do
4	Saurashtra ...	All Collectors ...	Do
5	Travancore ...	All District Magistrates ...	Do
6	Rajasthan ...	All Collectors ...	Do
7	Vindhya Pradesh...	All Deputy Commissioners ...	Do
PART 'C' STATES			
1	Ajmer ...	Deputy Commissioner, Ajmer.	In the State of Ajmer.
2	Bhopal ...	District Magistrates ...	In their respective Districts.
3	Bilaspur ...	Revenue Assistant and Additional District Magistrates, Bilaspur.	In the State of Bilaspur.
4	Kutch ...	Collector of Kutch ...	In the State of Kutch.
5	Himachal Pradesh.	Deputy Commissioners ...	In their respective Districts.
6	Coorg ...	Assistant Commissioner, Coorg.	In the State of Coorg.

No. 3 (14) GENL./50-II.—In exercise of the powers conferred by sub-clause (ii) of clause (a) of Section 2 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to notify the following classes of property in respect of which claims may be submitted under the said Act, namely :—

1. Any immovable property in West Pakistan which forms part of the assets of an industrial undertaking and is situate in an area other than an urban area.
2. Any other immovable property in West Pakistan comprising a building situated in an area other than an urban area, the estimated cost of construction of which at the present prevailing rates is not less than Rs. 20,000.

Explanation.—In this clause the expression "building" includes—

(a) any structure in immediate vicinity of the building without which the building cannot be conveniently occupied or enjoyed ;

(b) graden, grounds, and out-houses, if any, appertaining to such building.

3. Any agricultural land in any part of West Pakistan other than the Province of West Punjab.

M. L. PURI, *Under Secy.*

NOTIFICATION.

No. L.D. 768—Legis. 6-50-9, dated Bangalore, the 19th June 1950.

Ordered that the accompanying Notification No. 12(19)—E.F. VII-50, dated the 1st June 1950, of the Ministry of Finance, Economic Affairs Department, under the Foreign Exchange Regulation Act, 1947, published in the *Gazette of India*, dated the 1st June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF FINANCE.

ECONOMIC AFFAIRS DEPARTMENT.

NOTIFICATION.

New Delhi, the 1st June 1950.

No. 12(19)-E.F. VII/50.—In exercise of the powers conferred by sub-section 1 of section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government is pleased to direct that except with the general or special permission of the Reserve Bank, no person shall bring or send into the States from any place in Tibet any silver coin which is current in Tibet.

G. R. KAMAT, Joint Secy.

NOTIFICATION. 429.

No. L.D. 769—Legis. 6-50-10, dated Bangalore the 19th June 1950.

Ordered that the accompanying Notification No. S.R.O. 60, dated 3rd June 1950, of the Ministry of Defence amending the National Cadet Corps Rules published in the *Gazette of India*, dated 3rd June 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF DEFENCE.

New Delhi, the 3rd June 1950.

S.R.O. 60.– In exercise of the powers conferred by Section 13 of the National Cadet Corps Act, 1948 (XXXI of 1948), the Central Government is pleased to direct that the following further amendments shall be made in the National Cadet Corps Rules, namely :—

In rules 6 and 16 of the said Rules, after clause (a) the following clause shall be inserted, namely :—

"(aa) Unless he is a citizen of India or a subject of Nepal.

Provided that the Central Government may in any suitable case, relax the provisions of this clause."

H. M. PATEL, Secy.

NOTIFICATION.

No. L.D. 770—Legis. 6-50-11, dated Bangalore, the 19th June 1950.

Ordered that the accompanying Notification No. III PMT (X) 4—50-N-8, dated the 16th May 1950 of the Ministry of Rehabilitation Amending the Permit System Rules, 1949, published in the *Gazette of India*, dated the 3rd June 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION.

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New Delhi, the 16th May 1950.

No. III PMT(X)4/50-N-8. In exercise of the powers conferred by Section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government is pleased to direct that the following amendment shall be made in the Permit System Rules, 1949, namely :—

In the said Rules, for the words "Collector" "Deputy Commissioner" "Collector or Deputy Commissioner" and "Deputy Commissioner/Controller", wherever they occur, the words "District Magistrate/Collector/Deputy Commissioner" shall be substituted.

M. L. PURI, *Under Secy.*

NOTIFICATION

No. L.D. 774—Legis. 6-50-12, dated Bangalore, the 19th June 1950.

Ordered that the accompanying Notification No. F. 53 (4)—50-C. dated the 22nd March 1950, of the Ministry of Law, publishing certain corrigendum to the Provinces and States (Absorption of Enclaves) Order, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 22nd March 1950.

No. F. 53(4)/50-C—*Corrigendum.*—At pages 443R-443AC of the *Gazette of India, Extraordinary*, dated the 25th January 1950, containing the Ministry of Law Notification publishing S. O. 35, the Provinces and States (Absorption of Enclaves) Order, 1950, the following corrections shall be made :—

I. In the Second Schedule to the Order—

(1) on page 443X, in item 9 of para IV *for* "Gutmenrha" *read* "Gutmehrha";

(2) on page 443Y, in item 10 of para IV *for* "16 villages" *read* "17 villages";

(3) on page 443Y, in item 1 of para VII, *for* "Panagudi (15, 15 acres)" *read* "Panagudi (15·04 acres)";

(4) on page 443Y, in para VII, *for* item 2 *read* :—

"2. The following areas of Malabar District :—

Theneri (82·58 acres), Vadavannur (63·41 acres), Peruvemba (51·72 acres), Kootallur 64·81 acres), Elapully (31·06 acres), Elavancheri (6·06 acres), Panayur (11·84 acres) and Palathulli (1·62 acres)."

II. In the Third Schedule to the Order, on page 443AA, in para II *for* items 4 and 6 *read* :—

"4. The tract Chirak in Bhatinda District."

"6. Two enclaves of Rajapura Tehsil in Patiala District consisting of the following 6 villages :—
Lakhnaurasahib, Mohri, Klalmajra, Tejan, Nadiali and Khera.".

K. V. K. SUNDARAM, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. C. 387—Co. 23-49 51, dated Bangalore, 21st June 1950.

In exercise of the powers conferred by Section 3 and Clause (*a*) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Boots Pure Drugs Co. (India), Ltd., Bombay, Allen and Hanburys, Ltd., and Eli Lilly and Company of India Inc., for the prices specified in column 2 of the said schedule, the prices specified in column 2 hereunder shall be substituted.

BOOTS PURE DRUG CO. (INDIA), LTD., BOMBAY.

		Rs.	a.	p.
Globin Insulin (with zinc)—Boots.—				
40 units per cc. 5 cc. rubber-capped vial	...	3	2	0
80 units per cc. 5 cc. rubber-capped vial	...	5	10	0
Protamine Zinc insulin—Boots.—				
40 units per cc. 5 cc. rubber-capped vial	...	3	2	0
40 units per cc. 10 cc. rubber-capped vial	...	5	10	0
80 units per cc. 5 cc. rubber-capped vial	...	5	10	0
Insulin—Boots.—				
20 units per cc. 5 cc. rubber-capped vial	...	1	9	0
20 units per cc. 10 cc. rubber-capped vial	...	2	8	0
40 units per cc. 5 cc. rubber-capped vial	...	2	8	0
40 units per cc. 10 cc. rubber-capped vial	...	4	11	0
80 units per cc. 5 cc. rubber-capped vial	...	4	11	0
80 units per cc. 10 cc. rubber-capped vial	...	9	1	0
Penicillin coloured Amorphous.—				
Vials containing 100,000 I.U.	...	0	15	0
200,000 I.U.	...	1	5	0
500,000 I.U.	...	2	7	0
1,000,000 I.U.	...	4	5	0

Penicillin Crystalline G.—

Vials containing	100,000 I.U.	...	1	3	0
	200,000 I.U.	...	1	9	0
	500,000 I.U.	...	2	13	0

ALLEN AND HANSBURYS, LTD.

Insulin A. B.—

5 cc.×20 units	...	...	1	9	0
5 cc.×40 units	...	...	2	8	0
10 cc.×40 units	...	...	4	11	0

Protamine Zinc Insulin A. B.—

5 cc.×40 units	....	...	3	2	0
5 cc.×80 units	...	...	5	10	0
10 cc.×40 units	...	...	5	10	0

Globin Insulin with zinc) A. B.—

5 cc.×40 units	...	...	3	2	0
5 cc.×80 units	...	...	5	10	0

ELI LILLY AND COMPANY OF INDIA INC.

'Multicebrin' (Pan-Vitamins, Lilly)—

Gelseals per 30	...	...	9	15	0

By Order of His Highness the Maharaja,

No. C. 358—Co. 24-49-11, dated Bangalore, the 19th June 1950.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (Act XX of 1947), His Highness the Maharaja is pleased to direct that the following amendment shall be made to the Mysore Cotton Textiles (Export Control) Order, 1949, and to direct with reference to sub-rule (1) of rule 119 of the said rules that notice of the amendment shall be given by the publication of the same in the official Gazette namely:—

In clause 3 of the said Order, after the words "he may impose as to" the words "the selling price" shall be inserted.

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Food and Agriculture Departments.

No. W. 444, dated Bangalore, 19th June 1950.

In exercise of the pawers conferred by sub-clause (1) of Clause 2 of the Mysore House Rent and Accommodation Control Order, 1948, and in modification of Notification No. W. 1202, dated 6th March 1950, conferring on Sri H. G. Vijayaraghav Reddy, Personal Assistant to the Deputy Commissioner, Mysore, the powers of the 'Controller' in respect of all classes of cases under the said Order except those under clause 3 in respect of Mysore City, His Highness the Maharaja of Mysore is pleased to confer on Janab M. A. Karim, B. A., Personal Assistant to the Deputy Commissioner, Mysore, the powers of the 'Controller' in respect of all classes of cases under the said Order except those under clause 3 arising in Lashkar, Mandi, Nazarbad and Narasimharaja Mohallas of the Mysore City.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, THURSDAY, JUNE 29, 1950.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

Order No. L.D. 935—Legis. 20-50-1, dated Bangalore, the 29th June 1950.

Ordered that the accompanying Mysore Electricity (Taxation on Consumption) Ordinance, 1950, which was promulgated by His Highness the Maharaja, on the twenty-sixth day of June 1950, be published as Mysore Ordinance No. IV of 1950, in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

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MYSORE ORDINANCE NO. IV OF 1950.

THE MYSORE ELECTRICITY (TAXATION ON CONSUMPTION) ORDINANCE, 1950.

(Promulgated on the twenty-sixth day of June, 1950.)

An Ordinance to provide for the levy of a tax on the consumption of electrical energy in Mysore.

Preamble.

WHEREAS the Mysore Legislative Assembly is not in session and the Rajpramukh of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the levy of a tax on the consumption of electrical energy supplied by the Electricity Department of the State Government;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Rajpramukh of Mysore is pleased to promulgate the following Ordinance :—

Short title, extent and commencement.

1. (1) This Ordinance may be called the Mysore Electricity (Taxation on Consumption) Ordinance, 1950.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on the first day of July, 1950.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "consumer" includes a local authority, company or other person who consumes energy supplied by the Electricity Department of the State Government;

(2) "energy" means electrical energy;

(3) "prescribed" means prescribed by rules made under this Ordinance.

Levy of tax on consumption of energy.

3. Subject to the provisions of this Ordinance, every consumer shall pay every month to the State Government, at such time and in such manner as may be prescribed, a tax calculated at a rate not exceeding two pies per unit of energy as may, from time to time, by notification

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in the *Mysore Gazette*, be specified by the State Government, on and in respect of all energy consumed by the said consumer during the previous month.

4. The tax payable under this Ordinance which remains unpaid, shall be recoverable as an arrear of land revenue.

Arrears of tax recoverable as an arrear of land revenue.

5. The State Government may, by notification in the *Mysore Gazette*, make an exemption or reduction in rate in respect of the tax payable under this Ordinance—

(i) on energy supplied for any specified purpose ; or

(ii) by any specified consumer or class of consumers.

Power of State Government to notify exemptions and reductions of tax.

6. The State Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Ordinance.

Power to make rules.

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 807—Legis. 2-50-22, Bangalore, dated 23rd June 1950.

Ordered that the accompanying Cantonment Laws (Extension and Amendment) Ordinance, 1950 (XVIII of 1950), published in the *Gazette of India* dated the 19th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE CANTONMENT LAWS (EXTENSION AND AMENDMENT) ORDINANCE, 1950.

ORDINANCE No. XVIII OF 1950.

An Ordinance to extend the Cantonments (House Accommodation) Act, 1923, and the Cantonments Act, 1924, to Part B States, to provide for elections to Cantonment Boards on the basis of adult suffrage and to provide for a temporary extension of the term of office of elected members of Cantonment Boards.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action :

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NOW THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Cantonment Laws (Extension and Amendment) Ordinance, 1950.

(2) It shall come into force at once.

2. *Amendment of Section* 1 *Act* VI *of* 1923.—In sub-section (2) of section 1 of the Cantonments (House Accommodation) Act, 1923, the words and letter "except Part B States" shall be omitted.

3. *Amendment of Section* 2, *Act* VI *of* 1923.—To section 2 of the Cantonments —(House Accommodation) Act, 1923, the following sub-section shall be added. namely :—

"(3) In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in that State.".

4. *Amendment of Section* 1, *Act* II *of* 1924.—In sub-section (2) of section 1 of the Cantonments Act, 1924 (hereinafter referred to as the said Act), the words and letter "except Part B States" shall be omitted.

5. *Insertion of new Section* 2A *in Act* II *of* 1924.—After section 2 of the said Act, the following section shall be inserted, namely :—

"2A. *Rule of construction.*—In the application of this Act to any Part B State, any reference to an enactment not in force in that State shall be construed as a reference to the corresponding law in force in that State.".

6. *Amendment of Section* 27, *Act* II *of* 1924.—In section 27 of the said Act.—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) Every person who, on such date as may be fixed by the Central Government in this behalf by notification in the Official Gazette (hereinafter in this section referred to as 'the qualifying date') is not less than twenty-one years of age and who has resided in the cantonment for a period of not less than twelve months immediately preceding the qualifying date shall, if not otherwise disqualified, be entitled to be enrolled as an elector.

Explanation.—When any place is declared a cantonment for the first time, or when any local area is first included in a cantonment, residence in the place or area comprising the cantonment on the aforesaid date shall be deemed to be residence in the cantonment for the purposes of this sub-section.";

(ii) in sub-section (2),—

(a) for the words "aforesaid date" the words "qualifying date" shall be substituted ;

(b) clause (ii) shall be omitted.

7. *Amendment of Section* 29, *Act* II *of* 1924.—Clause (b) of section 29 of the said Act shall be omitted.

8. *Amendment of Section* 31, *Act* II *of* 1924.—Clause (c) of section 31 of the said Act, shall be omitted.

9. *Extension of term of office of elected members of Cantonment Boards.*—Notwithstanding anything contained in section 15 of the said Act, the elected members of every Cantonment Board holding office immediately before th

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commencement of this Ordinance shall continue to hold office up to the 30th day of November, 1950, or until the date of the notification of the election of their successors under sub-section (7) of section 13 of the said Act, whichever date is earlier.

10. *Repeal and Savings.*—(*1*) If immediately before the commencement of this Ordinance, there is in force in any of the Part B States any law corresponding to the Cantonments (House Accommodation) Act, 1923 (VI of 1923) or the Cantonments Act, 1924 (II of 1924), such corresponding law is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under such corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Cantonments (House Accommodation) Act, 1923, or the Cantonments Act, 1924, as the case may be, as if those Acts were in force in the State on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

No. L.D. 925—Legis. 2-50-23, dated Bangalore, 27th June 1950.

Ordered that the accompanying Preventive Detention (Amendment) Ordinance, 1950, (XIX of 1950) published in the *Gazette of India*, dated the 23rd June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

THE PREVENTIVE DETENTION (AMENDMENT) ORDINANCE, 1950,

ORDINANCE NO. XIX OF 1950.

An Ordinance to amend the Preventive Detention Act, 1950.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Preventive Detention (Amendment) Ordinance, 1950

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2. **Amendment of section 3, Act IV of 1950.**—In section 3 of the Preventive Detention Act, 1950 (hereinafter referred to as the said Act),—

(*i*) in sub-section (2), for the words "Any District Magistrate or Sub-Divisional Magistrate, or, in a presidency-town, the Commissioner of Police, may" the following shall be substituted, namely :—

"Any of the following officers, namely :—

(*a*) District Magistrates,

(*b*) Additional District Magistrates specially empowered in this behalf by the State Government,

(*c*) Sub-Divisional Magistrates,

(*d*) in the presidency-towns, Commissioners of Police, and

(*e*) in the State of Hyderabad, Civil Administrators, may";

(*ii*) in sub-section (3), for the words "by a District Magistrate, Sub-Divisional Magistrate or Commissioner of Police" the words, brackets and figure "by an officer mentioned in sub-section (2)" shall be substituted.

3. **Omission of section 14, Act IV of 1950.**—Section 14 of the said Act shall be omitted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

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at the Government Press, Bangalore,

PART IV

Section 1-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 1046—Legis. 37-49-4, dated Bangalore, 9th February 1950.

Ordered that the accompanying Adaptation of Laws Order, 1950, published in the *Gazette of India*, dated the 26th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

NOTIFICATION

New Delhi, the 26th January, 1950.

The following Order made by the President is published for general information :—

C.O. 4.

ADAPTATION OF LAWS ORDER, 1950.

(As modified upto 2nd April, 1950.)

WHEREAS by clause (2) of article 372 of the Constitution of India (hereinafter referred to as "the Constitution") the President is empowered by Order to make such adaptations and modifications of any law in force in the territory of India, whether by way of repeal or amendment as may be necessary or expedient for the purpose of bringing the provisions of such law into accord with the provisions of the Constitution, and to provide that the law shall, as from such date as may be specified in the Order, have effect subject to the adaptations and modifications so made;

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NOW, THEREFORE, in exercise of the powers conferred by the Constitution and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Adaptation of Laws Order, 1950.
(2) It shall come into force on the 26th day of January, 1950.

2. (1) In this Order—

(*a*) "appointed day" means the 26th day of January, 1950 ;

(*b*) "existing Central law" means any law in force in the territory of India immediately before the appointed day, but does not include—

(*i*) an existing Provincial law ;

(*ii*) an existing State law ; or

(*iii*) an Act of Parliament of the United Kingdom or any Order in Council, rule or other instrument made under such an Act ;

(*c*) "existing Provincial law" means—

(*i*) any Provincial Act or any Ordinance or Regulation made by the Governor of a Province under the Government of India Act, 1935, or

(*ii*) any rule, bye-law, regulation, order, notification or other instrument made under any such Provincial Act, Ordinance or Regulation,

which, immediately before the appointed day, was a law in force in any Province or part thereof, and includes, with respect to a merged territory, any law in force in such territory immediately before the appointed day which was made for that territory or any part thereof by the Legislature or other competent authority of the corresponding Indian State or under the Extra-Provincial Jurisdiction Act, 1947 ;

(*d*) "existing State law" means an Act, Ordinance or other legislative enactment by whatever name called which immediately before the appointed day was a law in force in an Indian State corresponding to the whole or any part of a Part B State, and was passed by the Legislature or other competent authority of such an Indian State or was made under the Extra-Provincial Jurisdiction Act, 1947, and includes any rule, order, bye-law or other instrument so in force which was made under any such Act, Ordinance or legislative enactment ;

(*e*) "existing law" means an existing Central law, existing Provincial law or existing State law.

(2) The General Clauses Act, 1897, applies for the interpretation of this Order as it applies for the interpretation of a Central Act.

Part I—Adaptation of existing Central laws.

3. As from the appointed day, the existing Central laws mentioned in the Schedules to this Order shall, until repealed or amended by a competent Legislature or other competent authority, have effect subject to the adaptations and modifications directed by those Schedules or if it is so directed, shall stand repealed,

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4. (1) Whenever an expression mentioned in column 1 of the Table hereunder printed occurs (otherwise than in a title or preamble or in a citation or description of an enactment) in an existing Central law, whether an Act, Ordinance or Regulation mentioned in the Schedules to this Order or not, then, unless that expression is by this Order expressly directed to be otherwise adapted or modified, or to stand unmodified, or to be omitted, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table, and there shall also be made in any sentence in which the expression occurs such consequential amendments as the rules of grammar may require.

TABLE

1	2
East Punjab	Punjab
The United Provinces	Uttar Pradesh
The Central Provinces and Berar	Madhya Pradesh
Ajmer-Merwara	Ajmer
Governor-General	President
Crown	Government
Her Majesty	Government
His Majesty	Government
Governor's Province	Part A State
Governors' Provinces	Part A States
Chief Commissioner's Province	Part C State
Chief Commissioners' Provinces	Part C States
Indian State	Part B State
Acceding State	Part B State
Indian States	Part B States
Acceding States	Part B States
All the Provinces of India	The whole of India except Part B States
Province (except where it occurs in any expression mentioned above)	State
Provincial	State
Provinces (except where it occurs in any expression mentioned above)	States

(2) A direction in the Schedules to this Order that a specified existing Central law or section or portion of such law shall stand unmodified shall be construed merely as a direction that it is not to be modified or adapted in accordance with the provisions of this paragraph.

5. Where this Order requires that in any specified existing Central law, or in any section or other portion of such law, certain words shall be substituted for certain other words, or that certain words shall be omitted, that substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that law or, as the case may be, in that section or portion.

6. (1) The following provisions shall have effect where any existing Central law which under this Order is to be adapted or modified has before the appointed day been amended either generally or in relation to any particular area, by the insertion or omission of words, or the substitution of words for other words—

(*a*) effect shall first be given in the amending law to any adaptation or modification required by paragraphs three and five of this Order to be made therein;

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(b) the original law shall then be amended, either generally or, as the case may be, in its application to the particular area, so as to give effect to the directions contained in the amending law or, where any adaptation or modification has fallen to be made under clause (a), in that law as so adapted or modified; and

(c) all adaptations or modifications required by this Order to be made in the original law shall then be made in that law as so amended, except so far as in the case of any particular area they may be inapplicable.

(2) In this paragraph, references to the amendment of a law by the insertion or omission of words or the substitution of words do not include references to an amendment which is effected merely by directing that certain words shall be construed in a particular manner.

7. Any reference in any existing Central law to the House of the People shall, until that House is constituted and summoned to meet for the first session under the provisions of the Constitution, be construed as a reference to the provisional Parliament functioning under article 379 of the Constitution.

8. Notwithstanding any amendment made by this Order in the extent clause of an existing Central law, that law shall not be deemed to have been extended to any area to which it did not extend immediately before the appointed day; and a reference in that law to any State or class of States shall not, unless the context otherwise requires, be deemed to include a reference to any part of that State or class of States to which that law did not extend immediately before the appointed day.

9. In the application of any existing Central law to the territory which, immediately before the appointed day, was comprised in the Chief Commissioner's Province of Panth Piploda, references by whatever form of words to Part C States shall, and references by whatever form of words to Part B States shall not, be construed as references to such territory, and references to State Government shall be construed as references to the Government of Madhya Bharat.

10. In any existing Central law references by whatever form of words to Part A States shall not, and references by whatever form of words to Part B States shall, include references to the territories, being part of the State of Assam, which immediately before the appointed day, were known as the Khasi States.

Part II—Adaptation of existing Provincial laws.

11. As from the appointed day all existing Provincial laws shall, until repealed or altered or amended by a competent Legislature or other competent authority, be subject to the adaptations directed in this Order.

12. In any existing Provincial law, any reference, by whatever form of words to His Majesty or Crown shall, when such reference is made in relation to the Government of India or any part thereof and with respect to the state of affairs existing or anything done or to be done on or after the appointed day, be either omitted or construed as a reference to India, Union, Government of India, State, Government of a State or Government as the subject or context may require.

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13. In any existing Provincial law, any reference by whatever form of words to British subjects or subjects of an Indian State shall be construed as a reference to citizens of India, Commonwealth citizens as defined in section 1 of the British Nationality Act, 1948, or any class of such citizens, as the subject or context may require.

14. References in an existing Provincial law to the Government of India Act, 1935, or to any provision thereof shall, unless there is anything repugnant in the subject or context, be construed as references to the Constitution or to the corresponding provision thereof, as the case may be.

15. Any reference in an existing Provincial law to an Indian State or an Acceding State shall, unless otherwise provided by any law in force immediately before the appointed day, be construed as a reference to a State specified in the First Schedule to the Constitution or a part thereof which corresponds to an Indian State or an Acceding State.

16. (1) In any existing Provincial law, unless there is anything repugnant in the subject or context,—

(*a*) a reference to a Province shall be construed as a reference to a Part A State or a Part C State and a reference to a particular Province shall be construed as a reference to the corresponding State;

(*b*) a reference to the Provincial Government shall be construed as a reference to the Government of a Part A State or a Part C State and a reference to the Government of a particular Province shall be construed as a reference to the Government of the corresponding State;

(*c*) a reference to the Provinces generally shall be construed as a reference to all the territories for the time being comprised within Part A States and Part C States;

(*d*) a reference to a Governor's Province shall be construed as a reference to a Part A State;

(*e*) a reference to a Chief Commissioner's Province shall be construed as a reference to a Part C State;

(*f*) a reference to the Governor-General shall be construed as a reference to the President;

(*g*) a reference to the President or the Deputy President of the Legislative Council of a Province shall be construed as a reference to the Chairman or Deputy Chairman of the Legislative Council of the corresponding State;

(*h*) a reference to the Central Legislature shall be construed as a reference to Parliament; and

(*i*) a reference to the Legislature of any Province or to a Chamber or Chambers thereof shall be construed as a reference to the Legislature of the corresponding State or to the corresponding House or Houses thereof.

(2) Notwithstanding anything in this Order, an existing Provincial law shall not, unless expressly provided, apply to any area in a State to which it did not apply immediately before the appointed day, and references in that law to States generally or to that State shall not include references to such area.

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17. In any existing Provincial law, references to the federal railway authority shall either be omitted or construed as references to the Central Government as the subject or context may require and references to a federal railway shall be construed as references to a railway as defined in clause (20) of article 366 of the Constitution.

Part III—Adaptation of existing State laws.

18. As from the appointed day, all existing State laws shall, until repealed or altered or amended by a competent Legislature or other competent authority, be subject to the adaptations directed in this Order.

19. In any existing State law, any reference by whatever form of words to British subjects or subjects of an Indian State shall be construed as a reference to citizens of India, Commonwealth citizens as defined in section 1 of the British Nationality Act, 1948, or any class of such citizens as the subject or context may require.

20. In any existing State law, any reference by whatever form of words to the Government of the Indian State for or for any part of which such law is made shall be construed as a reference to the Government of the Part B State to the whole or part of which such Indian State corresponds.

21. In any existing State law, references to British India or to the Provinces generally shall be construed as references to the whole of the territories for the time being comprised within Part A States and Part C States and references to a Province shall be construed as references to a Part A State or a Part C State.

Part IV—Supplementary.

22. Save as is otherwise provided by this Order, all powers which under any law in force in India or any part thereof were, immediately before the appointed day, vested in or exercisable by any person or authority shall continue to be so vested or exercisable until other provision is made by some Legislature or authority empowered to regulate the matter in question.

23. Subject to the provisions of this Order, any reference by whatever form of words in any existing law to any authority competent at the date of the passing of that law to exercise any powers or authorities, or to discharge any functions, in any part of India shall, where a corresponding new authority has been constituted by or under the Constitution, have effect until duly repealed or amended as if it were a reference to that new authority.

24. The provisions of this Order which adapt or modify any law so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done, before the appointed day; and any such notification, order, commitment, attachment, bye-law, rule, regulation or thing may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and under and in accordance with the provisions then applicable to such a case.

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25. In any existing law, any reference by name or description to any territory shall unless the contrary intention appears or unless it has been, or is by this Order, otherwise expressly provided, be construed as a reference to the territory which bore that name or answered to that description at the date when the enactment containing that name or description came into operation.

26. Where any rule, order or other instrument was in force under any provision of the Government of India Act, 1935, or under any Act amending or supplementing that Act, immediately before the appointed day, and such provision is re-enacted with or without modifications in the Constitution, the said rule, order or instrument shall, so far as applicable, remain in force with the necessary modifications as from the appointed day as if it were a rule, order or instrument of the appropriate kind duly made by the appropriate authority under the said provision of the Constitution, and may be varied or revoked accordingly.

27. Nothing in this Order shall affect the previous operation of, or anything duly done or suffered under, any existing law, or any right, privilege, obligation or liability already acquired, accrued or incurred under any such law, or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any such law.

28. Any Court, Tribunal or authority required or empowered to enforce any law in force in the territory of India immediately before the appointed day shall, notwithstanding that this Order makes no provision or insufficient provision for the adaptation of the law for the purpose of bringing it into accord with the provisions of the Constitution, construe the law with all such adaptations as are necessary for the said purpose:

Provided that, if any question arises regarding the adaptations with which such law should be construed for the said purpose, the question shall be referred to the Central Government if the law relates to a matter enumerated in List I or List III in the Seventh Schedule to the Constitution, and to the State Government concerned in any other case, and the decision of that Government on any such reference shall be final.

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FIRST SCHEDULE

CENTRAL ACTS

The Secretaries to Government Act, 1834.

(II of 1834)

This Act shall stand repealed.

The Property in Land Act, 1837.

(IV of 1837)

This Act shall stand repealed.

The Bombay Coasting-Vessels Act, 1838.

(XIX of 1838)

Section 2.—For "any of Her Majesty's subjects" substitute "any citizen of India" and for "any of the same Her Majesty's subjects" substitute "any such citizen".

Section 8.—For "East India Company" substitute "Government of India".

Section 11.—For "Part III of the Government of India Act, 1935," substitute "the Constitution" and for "Local Government" substitute "Provincial Government".

The Bombay Haqqa Prohibition Act, 1839.

(XX of 1839)

Section 4.—For "the Government of India Act, 1935" substitute "the Constitution".

The Dower Act, 1839.

(XXIX of 1839)

Section 15.—For "of Her Majesty's Courts" substitute "Court".

The Indian Registration of Ships Act, 1841.

(X of 1841)

Long title.—For "under the Government of the East India Company, or belonging to Native Princes or States or their subjects," substitute "of India".

Section 1.—Omit the *First, Second* and *Third* paragraphs beginning with the words "WHEREAS by a Statute passed" and ending with the words "privileges and advantages of British ships under such Proclamation as aforesaid;" and in the *Fourth* paragraph for "such Proclamation as aforesaid" substitute "the Proclamation of the Governor-General of India in Council made in pursuance of the Statute 3rd and 4th Victoria, Ch. 56".

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Section 2.—For "the Provinces" substitute "India", for "principal British Officer" substitute "officer authorised by the Central Government in this behalf" and for "British officer in authority" substitute "such officer".

Section 5.—For "British subject (or British subjects)" substitute "citizen of India (or citizens of India)".

Section 15.—For "a Province" substitute "India" and for "such subject as aforesaid" substitute "a citizen of India".

Sections 16 and 21.—For "the Provinces" substitute "India".

Omit section 24.

The Indian Registration of Ships Act (1841) Amendment Act, 1850.

(XI of 1850)

Omit section 2.

Section 3.—For "British subjects" substitute "citizens of India" and omit "or owned by an Indian State or the Ruler or a subject thereof entitled to passes under Act X of 1841, as amended by this Act," and "and obtain passes".

Section 4.—For "section 143(2) of the Government of India Act, 1935," substitute "article 277 of the Constitution".

The Public Accountants' Default Act, 1850.

(XII of 1850)

Section 3.—For "the Crown in India" substitute "the Central Government or the Government of a Part A State" and for "to the Crown" substitute "to such Government".

The Apprentices Act, 1850.

(XIX of 1850)

Section 23.—For "British subjects" substitute "citizens of India" and for "the Provinces" substitute "Part A States or Part C States".

The State Prisoners Act, 1850.

(XXXIV of 1850)

Section 1.—In sub-section (2) for "the Provinces (including Berar)" substitute "the whole of India except Part B States".

The Landholders' Public Charges and Duties Act, 1853.

(II of 1853)

This Act shall stand repealed.

The Malabar War-knives Act, 1854.

(XXIV of 1854)

Section 3.—In the second paragraph omit "European".

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The Conveyance of Land Act, 1854.

(XXXI of 1854)

Section 13.—For "Province of India" substitute "Part A State".

The Mortgaged Estates Administration Act, 1855.

(XXIII of 1855)

Section 1.—For "Province of India" substitute "Part A State".

The European Deserters Act, 1856.

(XI of 1856)

This Act shall stand repealed.

The Calcutta University Act, 1857.

(II of 1857)

Section 1.—For "the Provinces" substitute "Part A States and Part C States".

The Tobacco Duty (Town of Bombay) Act, 1857.

(IV of 1857)

Section 22.—For "section 143 (2) of the Government of India Act, 1935" substitute "article 277 of the Constitution".

The Opium Act, 1857.

(XIII of 1857)

Section 23.—Omit "Native".

The State Prisoners Act, 1858.

(III of 1858)

Section 6.—For "all the Provinces of India (including Berar)" substitute "the whole of India except Part B States".

The Indian Penal Code.

(XLV of 1860)

Preamble.—For "the Provinces of India" substitute "the whole of India except Part B States".

Section 4.—For clauses (*1*) to (*4*) substitute—

"(*1*) any citizen of India in any place without and beyond India;
(*2*) any person on any ship or aircraft registered in India wherever it may be.".

In illustration (*a*) for "a British subject of Indian domicile" substitute "a citizen of India".

Omit illustrations (*b*), (*c*) and (*d*).

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For section 5 substitute—

"5. Nothing in this Act shall affect the provisions of any Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provisions of any special or local law.".

Certain laws not to be affected by this Act.

Omit section 13.

For section 14 substitute—

"14. The words 'servant of Government' denote any officer or servant continued, appointed or employed in India by or under the authority of Government.".

"Servant of Government".

For section 17 substitute—

"17. The word "Government" denotes the Central Government or the Government of a Part A State.".

"Government".

After section 17 insert—

"18. The word 'State' denotes a Part A State or a Part C State, and the word 'States' denotes all the territories for the time being comprised within Part A States and Part C States."

"State" and "States".

Section 21.—Omit clause *First.*

In clause *Second* omit "of the Dominion".

Section 54.—For "the Central Government or the Provincial Government of the Province within which the offender shall have been sentenced" substitute "the appropriate Government".

Section 55.—For "the Provincial Government of the Province within which the offender shall have been sentenced" substitute "the appropriate Government".

For section 55A substitute—

"55A. In sections fifty-four and fifty-five the expression "appropriate Government" means,—

Definition of "appropriate Government"

(*a*) in cases where the sentence is a sentence of death or is for an offence against any law relating to a matter to which the executive power of the Union extends, the Central Government; and

(*b*) in cases where the sentence (whether of death or not) is for an offence against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced.".

Section 75.—The words "Indian State" shall remain unmodified.

Section 121.—In the section and in illustration (*a*) for "Queen" substitute "Government of India" and omit illustration (*b*).

Section 121A.—Omit "or to deprive the Queen of the sovereignty of the Provinces or of any part thereof".

Sections 122, 123, 125 and 126.—For "Queen" substitute "Government of India".

Section 124A.—Omit "Her Majesty or".

Sections 131, 132, 133, 134, 135, 136, 137, 138 and 140.—For "Queen" substitute "Government of India".

Sections 131 and 139.—Omit "or that Act as modified by".

Section 141.—In clause *First* for "the Central or any Provincial Government or Legislature" substitute "the Central or any State Government or Parliament or the Legislature of any State".

Section 153A.—For "Her Majesty's subjects" substitute "the citizens of India".

Section 161.—For "the Central or any Provincial Government or Legislature" substitute "the Central or any State Government or Parliament or the Legislature of any State".

In illustration (*b*) for "Resident at the Court of a subsidiary Power" substitute "Consul in a Foreign State", for "that Power" substitute "that State" and for "British Government" substitute "Government of India".

Sections 162 and 163.—For "the Central or any Provincial Government or Legislature" substitute "the Central or any State Government or Parliament or the Legislature of any State".

Section 174.—In illustration (*a*) for "Supreme Court" substitute "High Court" and in illustration (b) for "Zila Judge" substitute "District Judge".

Section 175.—In the illustration for "Zila Court" substitute "District Court".

Section 230.—For the second paragraph of the section substitute—

> "Indian coin is metal stamped and issued by the authority of the Government of India in order to be used as money; and metal which had been so stamped and issued shall continue to be Indian coin for the purposes of this Chapter, notwithstanding that it may have ceased to be used as money.".

In illustration (*d*) for "the Queen's coin" substitute "Indian coin" and in illustration (*e*) for "Queen's coin" substitute "Indian coin".

Sections 232, 234, 235, 238, 240 and 243.—For "the Queen's coin" substitute "Indian coin".

Sections 247 and 249.—For "any of the Queen's coin" substitute "any Indian coin".

Section 271.—Omit "Central or any Provincial".

Section 294A.—For "a State lottery" substitute "a lottery organised by the Central Government or the Government of a Part A State or a Part B State".

Section 295A.—For "His Majesty's subjects" substitute "citizens of India".

Section 366B.—For "any State in India" substitute "any Part B State".

Section 505.—In clause (a) for "of Her Majesty or in the Imperial Service Troops" substitute "of India".

The Stage-Carriages Act, 1861.

(XVI of 1861)

Section 18.—Omit ", provided he is not a European British subject,".

Omit section 19.

The Comptoir D'Escompte de Paris Act, 1864. 454

(VIII of 1864)

Section 2.—For "the Provinces" where it occurs for the first time substitute "the territories for the time being comprised within Part A States and Part C States (hereinafter referred to as 'the said territories')" and where it occurs for the second time substitute "the said territories".

Sections 4, 6, 8, 10, 12 and 13.—For "the Provinces" substitute "the said territories".

Schedules (A) and (B).—For "the Provinces" substitute "India".

The Native Converts' Marriage Dissolution Act, 1866.

(XXI of 1866)

Throughout the Act omit "Native" except where it occurs in the expression "Native law" and for "Native law" substitute "personal law".

Section 3.—For "the Provinces" substitute "India".

The Indian Trustees Act, 1866.

(XXVII of 1866)

Long title and Preamble.—Omit "in the Provinces".

Section 2.—In the definition of "stock" for "the Provinces" substitute "a Part A State" and for the definition of "High Court" substitute "'High Court' means a court which is a High Court for a Part A State:".

The Trustees' and Mortgagees' Powers Act, 1866.

(XXVIII of 1866)

Section 1.—For "for the purposes of the Government of India Act, 1935" substitute "for a Part A State".

Section 34.—For "the Provinces" substitute "India".

Section 45.—For "the Provinces" substitute "Part A States and Part C States".

The Acting Judges Act, 1867.

(XVI of 1867)

Preamble.—Omit "in the Provinces".

The Press and Registration of Books Act, 1867.

(XXV of 1867)

Long title and Preamble.—For "the Provinces" substitute "the whole of India except Part B States".

Section 1.—Add the following paragraph—

"'States' means the territories for the time being comprised within Part A States and Part C States.".

The Indian Divorce Act, 1869.

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(IV of 1869)

Section 2.—For the words beginning with "all the Provinces of India" and ending with "other than the Acceding States" substitute "the whole of India except Part B States".

Section 3.—For clauses (*1*) and (*2*) substitute—

"(*1*) 'High Court' means, with reference to any area—

(*a*) in relation to a Part A State, the High Court for that State;

(*b*) in relation to Ajmer, the High Court at Allahabad;

(*c*) in relation to Bhopal, the High Court at Nagpur;

(*d*) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(*e*) in relation to Coorg, the High Court at Madras;

(*f*) in relation to Kutch, the High Court at Bombay; and

(*g*) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta;

and in the case of any petition under this Act 'High Court' means the High Court for the area where the husband and wife reside or last resided together:

(*2*) 'District Judge' means a Judge of a principal civil court of original jurisdiction however designated:".

In clause (*8*) for "the dominions of Her Majesty" substitute "India".

Section 50.—For "the Provinces" substitute "India".

Sections 56 and 57.—For "Her Majesty in Council" substitute "the Supreme Court".

Procedure of the High Court of Judicature Act, 1869.

(XIII of 1869)

Long title.—For "the North Western Provinces" substitute "Uttar Pradesh".

Preamble.—For "the North Western Provinces of the Presidency of Fort William" substitute "Uttar Pradesh".

The Bombay Civil Courts Act, 1869.

(XIV of 1869)

Section 43.—For "Christmas Day and Her Majesty's Birthday" substitute "and Christmas Day".

The Court-Fees Act, 1870.

(VII of 1870)

Section 3.—For "the Courts which are High Courts for the purposes of the Government of India Act, 1935" substitute "the High Courts for Part A States".

Section 19.—For "by an officer, warrant officer, non-commissioned officer or private of Her Majesty's Army" substitute "by a member of any of the Armed Forces of the Union".

The Female Infanticide Prevention Act, 1870. 457

(VIII of 1870)

Preamble.—For "the Provinces" substitute "India".

Section 7.—For "any other Province" substitute "any other Part A State or Part C State".

The Oudh Taluqdar's Relief Act, 1870.

(XXIV of 1870)

Section 4.—For "the Provinces" substitute "a part A State or a Part C State".

Section 25.—For "the Province of Oudh" substitute "Uttar Pradesh".

The Coroners Act, 1871.

(IV of 1871)

Section 25.—For "the Provinces" substitute "a Part A State or a Part C State".

Act XXI of 1871.

Section 2.—For "the North-Western Provinces" where that expression occurs for the first time substitute "Uttar Pradesh" and where it occurs for the second time substitute "Agra".

The Pensions Act, 1871.

(XXIII of 1871)

Section 3A.—For "federal" substitute "Union".

Section 11.—For "the Provinces" substitute "Part A States and Part C States".

The Indian Weights and Measures of Capacity Act, 1871.

(XXXI of 1871)

This Act shall stand repealed.

The Indian Evidence Act, 1872.

(I of 1872)

Section 1.—Omit "that Act as modified by".

Section 3.—Add the following definition to the section :—

"'State' means a Part A State or a Part C State and 'States' means all the territories for the time being comprised within Part A States and Part C States.".

Section 6.—In illustration (*b*) for "Queen" substitute "Government of India".

Section 10.—In the illustration for "Queen" substitute "Government of India".

Section 37.—After "Act of Parliament" insert "of the United Kingdom" and for "Act of the Central Legislature, or of any other legislative authority in the Provinces constituted by any laws for the time being in force" substitute

"Central Act, Provincial Act or an Act of the Legislature of a Part A State or a Part C State".

Section 57.—For clause (*1*) substitute—

"(*1*) All laws in force in the territory of India :".

In clause (*2*) after "Parliament" insert "of the United Kingdom".

In clause (*3*) for "Her Majesty's" substitute "the Indian".

For clause (*4*) including the Explanation thereto substitute—

"(*4*) The course of proceeding of Parliament of the United Kingdom, of the Constituent Assembly of India, of Parliament and of the legislatures established under any laws for the time being in force in a Province or in the States ;".

In clause (*6*) omit "of India" and for "any Act of Parliament or other" substitute "the Constitution or an Act of Parliament of the United Kingdom or an".

In clauses (*8*), (*10*) and (*11*) for "the British Crown" substitute "the Government of India".

Section 74.—In sub-clause (*iii*) of clause (*1*) for "any part of Her Majesty's dominions" substitute "any part of India or of the Commonwealth".

Section 78.—In clause (*6*) for "a British Consul" substitute "an Indian Consul".

Section 79.—For "an Acceding State or other Indian State" substitute "a Part B State".

Section 81.—After "Act of Parliament" insert "of the United Kingdom".

Section 85.—For "British" substitute "Indian" and omit "of Her Majesty, or".

Section 86.—In the first paragraph for "any country not forming part" substitute "a Part B State or of any country not forming part of India or", omit "Her Majesty or of", for "such country" substitute "such Part B State or country" and for "that country" substitute "that State or country".

In the second paragraph after "with respect to" insert "a Part B State or", after "forming part of" insert "India or", for "clause (*40*)" substitute "clause (*43*)" and for "in and for the country" substitute "in and for that Part B State or country".

The Punjab Laws Act, 1872.

(IV of 1872)

Section 48.—For "the government for whose purposes the land is vested in His Majesty" substitute "the Government concerned".

The Indian Contract Act, 1872.

(IX of 1872)

Section 10.—For "the Provinces" substitute "Part A States and Part C States".

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Section 21.—In the first paragraph omit "any Province of" and omit the second paragraph.

The Indian Christian Marriage Act, 1872.

(XV of 1872)

Throughout the Act for "Native Christian" and "Native Christians" substitute "Indian Christian" and "Indian Christians", respectively.

Section 1.—For the second paragraph substitute—

"It extends to the whole of India except Part B States.".

Section 3.—For the definition of "Native Christians" substitute—

"and the expression "Indian Christians" includes the Christian descendants of natives of India converted to Christianity, as well as such converts;"

Section 5.—For "India" substitute "Part A States and Part C States".

Section 6.—Omit "and the Central Government, so far as regards any Indian State" and "and State, respectively".

Omit section 8.

Section 9.—Omit "or (so far as regards any Indian State) the Central Government".

Section 27.—For "India" substitute "a Part A State or a Part C State".

Omit section 47.

Section 48.—Omit the last three paragraphs.

Omit section 56.

Section 62.—Omit sub-section (*2*).

Section 68.—Omit the second paragraph beginning with "or, if the offender is" and ending with "American convicts,".

Omit sections 84 and 86.

The Indian Oaths Act, 1873.

(X of 1873)

Section 1.—For the second paragraph substitute—

"It extends to the whole of India except Part B States.".

Section 3.—For "by or under any Instruction under the Royal Sign Manual of His Majesty" substitute "by the Central Government with respect to members of the Armed Forces of the Union".

Section 4.—In clause (*2*) of the proviso for "the Provinces" substitute "Part A States and Part C States".

The Married Women's Property Act, 1874.

(III of 1874)

Section 2.—For the first paragraph substitute—

"It extends to the whole of India except Part B States.".

Section 6.—For "Province" substitute "Part A State or Part C State".

The Foreign Recruiting Act, 1874.

(IV of 1874)

Long title, Preamble and section 3.—For "the Provinces" substitute "Part A States and Part C States".

Section 2.—For "the Provinces" substitute "India".

The Laws Local Extent Act, 1874.

(XV of 1874)

Section 3.—For "throughout all the Provinces of India, except" substitute "in the whole of India except Part B States and".

The Indian Majority Act, 1875.

(IX of 1875)

Preamble and section 3.—For "the Provinces" substitute "Part A States and Part C States".

Section 1.—For the second paragraph substitute—

"It extends to the whole of India except Part B States;".

Section 2.—For "Her Majesty's subjects in India" substitute "citizens of India".

Section 4.—In illustrations (*a*) and (*b*) for "British Indian domicile" substitute "domicile in a Part A State or a Part C State" and in all the illustrations for "the Provinces" substitute "a Part A State or a Part C State".

The Indian Law Reports Act, 1875.

(XVIII of 1875)

Section 3.—For "any Court in the Provinces which is a High Court for the purposes of the Government of India Act, 1935" substitute "any High Court for a Part A State".

The Central Provinces Laws Act, 1875.

(XX of 1875)

Sections 2 and 4.—For "Act of the Central Legislature" substitute "Central Act" and for "Acts of the Central Legislature" substitute "Central Acts".

The Chota Nagpur Encumbered Estates Act, 1876.

(VI of 1876)

Section 3.—For "Province" substitute "Part A State or Part C State".

The Native Coinage Act, 1876.

(IX of 1876)

Long title and Preamble.—For "the Provinces" substitute "Part A States and Part C States".

Sections 3 and 4.—For "the Provinces" substitute "Part A States and Part C States" and for "Indian State" substitute "Indian State or Part B State".

Omit sections 5, 6 and 7.

The Bombay Revenue Jurisdiction Act, 1876. 461

(X of 1876)

Section 1.—For "all the territories under the government of the Governor of Bombay in Council" substitute "the State of Bombay".

Sections 12 and 13.—For "Her Majesty in Council" substitute "the Supreme Court".

The Oudh Laws Act, 1876.

(XVIII of 1876)

Section 3.—In clause (*f*) for "the Provinces" substitute "Part A States and Part C States".

Sections 27, 40 and 42.—For "Chief Court" substitute "High Court".

The Bhaunagar Act, 1876.

(XX of 1876)

Section 1.—For "only to the Provinces" substitute "to India".

Section 2.—For "Bombay Presidency" substitute "State of Bombay".

Section 4.—For "the Provinces" substitute "India".

The Specific Relief Act, 1877.

(I of 1877)

Section 1.—For "all the Provinces of India, except" substitute "the whole of India, except Part B States and".

For section 50 substitute—

"50. *Saving of power of High Court to issue mandamus.*—Nothing in this Chapter shall affect the power conferred on a High Court by clause (*1*) of article 226 of the Constitution.".

The Opium Act, 1878.

(I of 1878)

Section 1.—For "Provincial Government" substitute "Government of a Part A State or a Part C State.".

The Sea Customs Act, 1878.

(VIII of 1878)

Section 3.—In clause (*a*) for "section 124 (*1*) of the Government of India Act, 1935" substitute "article 258 (*1*) of the Constitution", in clause (*e*) for "the Provinces of India" substitute "States" and after clause (*j*) insert—

"(*k*) 'States' denotes all territories for the time being comprised within Part A States and Part C States.".

Section 18.—For "the Provinces of India" substitute "States" and for "Queen's coin of India" substitute "Indian coin".

Section 48.—For "Her Majesty's Indian Navy" substitute "the Indian Navy" and for "such Indian Navy" substitute "the Indian Navy".

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Section 75.—For "Her Majesty's" substitute "Government of India's".

Section 128.—Omit "Karachi, Chittagong".

Sections 144, 150 and 151.—For "a Province" substitute "the States".

Section 177.—For "His Majesty's Indian Navy" substitute "the Indian Navy".

The Indian Arms Act, 1878.

(XI of 1878)

Section 1.—For "the Indian Territorial Force Act, 1920, or the Auxiliary Force Act, 1920," substitute "the National Cadet Corps Act, 1948, or the Territorial Army Act, 1948,".

Section 4.—To the section add—

"'State' means the territories for the time being comprised within Part A States and Part C States".

Section 10.—For "all the Provinces of India" substitute "the States".

Section 11.—For "Acceding States" substitute "any other part of India".

Section 18.—For "the Provinces of India" substitute "States".

The Northern India Ferries Act, 1878.

(XVII of 1878)

Section 33.—For "Her Majesty" where it occurs for the first time, substitute "the Government of India".

The Elephants' Preservation Act, 1879.

(VI of 1879)

Section 1.—For "Provincial Government" substitute "Government of a Part A State or a Part C State".

The Dekkhan Agriculturists' Relief Act, 1879.

(XVII of 1879)

Section 1.—For "Presidency" substitute "State".

Section 2.—For "Her Majesty" substitute "the Union".

The Legal Practitioners Act, 1879.

(XVIII of 1879)

Sections 4 and 5.—For "the Provinces" substitute "Part A States and Part C States".

The Kazis Act, 1880.

(XII of 1880)

Preamble.—For "the Provinces" substitute "India".

Section 1.—For "any other Provincial Government" substitute "the Government of any other Part A State or the Government of a Part C State".

The Vaccination Act, 1880.

(XIII of 1880)

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Section 18.—In paragraph 3 for "be Natives of India, and not paid servants of the Crown" substitute "not be paid servants of Government".

The Taj Mahal's Pension Act, 1881.

(I of 1881)

Sections 9, 10, 17 and 18.—For "the said Secretary of State in Council" substitute "the Central Government".

The Municipal Taxation Act, 1881.

(XI of 1881)

Section 3.—Omit "or that Act as modified by".

The Fort William Act, 1881.

(XIII of 1881)

Section 4.—For "Her Majesty's" substitute "the Indian".

The Obstructions in Fairways Act, 1881.

(XVI of 1881)

Throughout this Act for "the Provinces" substitute "a Part A State or a Part C State".

Section 13.—For "the Provincial Government concerned" substitute "the Government of a Part A State or Part C State".

The Broach and Kaira Incumbered Estates Act, 1881.

(XXI of 1881)

Sections 9 and 27.—For "a Province of India" substitute "a Part A State or a Part C State".

Section 31.—In clause (*d*) for "securities of the Central Government or of a Provincial Government" substitute "Government securities".

The Negotiable Instruments Act, 1881.

(XXVI 1881)

Section 3.—Before the definition of "banker" insert—

'"State" means a Part A State or a Part C State and "States" means all the territories for the time being comprised within Part A States and Part C States.'.

Section 75B.—For "the Provinces of India" substitute "the States".

Sections 136 and 137.—Omit "of India".

The Indian Trusts Act, 1882.

(II of 1882)

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Section 1.—For "all the Provinces of India except" substitute "the whole of India except Part B States and", omit "and Panth Piploda" and for "either or both of the said Provinces" substitute "the Andaman and Nicobar Islands".

Section 20.—In clause (*b*) for "Imperial Parliament" substitute "Parliament of the United Kingdom".

In clause (*bb*) for "which may at any time hereafter be" substitute "which before the 15th day of August, 1947, was", after "Act of Parliament" insert "of the United Kingdom" and for "may be" substitute "was".

In clause (*d*) for "Act of a Legislature established in a Province" substitute "Provincial Act or Act of the Legislature of a Part A State".

In clause (*e*) for "a Province of India" substitute "a Part A State or a Part C State".

Section 60.—In illustration (*e*) for "the Provinces" substitute "India".

Section 73.—For "the Provinces" substitute "India".

The Transfer of Property Act, 1882.

(IV of 1882)

Section 1.—For the third paragraph substitute—

"It extends in the first instance to the whole of India except Part B States, Bombay, Punjab and Delhi.";

and in the fourth paragraph for "the said Provinces" substitute "Bombay, Punjab or Delhi".

Section 3.—For "a Province" substitute "a Part A State or a Part C State".

Section 52.—For "in the Provinces or establised beyond the limits of the Provinces" substitute "within the limits of Part A States and Part C States or established beyond such limits".

The Presidency Small Cause Courts Act, 1882.

(XV of 1882)

Section 15.—For "Act of Parliament or Act of the Central Legislature or any Legislature established in a Province of India" substitute "Act of Parliament of the United Kingdom or Central Act or Provincial Act or Act of the Legislature of a Part A State or a Part C State".

Section 18.—In *Explanation* III, for "the Provinces" substitute "a Part A State or a Part C State".

Section 93.—For "established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104," substitute "for Part A States".

The Madras Forest (Validation) Act, 1882.

(XXI of 1882)

Preamble.—For "Acts of the Central Legislature" substitute "Central Acts".

Section 1.—For "enactment of the Central Legislature" substitute "Central Act passed before the commencement of the Constitution".

The Land Improvement Loans Act, 1883.

(XIX of 1883)

Section 1.—In sub-section (*2*) for "the Provinces" substitute "a Part A State or a Part C State".

The Punjab District Boards Act, 1883.

(XX of 1883)

Section 11-A.—Omit "of his allegiance to India", and in the form of Oath or affirmation omit "to India and".

Section 20.—In clause (*g*) of sub-section (*2*) omit "Her Majesty for the purposes of".

Section 29.—For "Crown in India" substitute "Government".

Section 30.—For "the Government of India Act, 1935" substitute "the Constitution", in clause (*c*) of the proviso to the section for "Part III of the said Act" substitute "the Constitution" and for "the Central Legislature" substitute "Parliament".

Sections 34 and 48.—For "Provincial revenue" substitute "the Consolidated Fund of the State".

Section 52.—Omit "His Majesty for the purposes of".

The Indian Explosives Act, 1884.

(IV of 1884)

Sections 4 and 5.—For "the Provinces" substitute "Part A States and Part C States".

Section 9.—For "His Majesty's" substitute "the Indian".

Section 14.—For "His Majesty's" substitute "the Indian" and omit "His Majesty's Government in the United Kingdom or".

The Agriculturists' Loans Act, 1884.

(XII of 1884)

Preamble.—For "Provinces of India" substitute "Part A States or Part C States".

The Indian Telegraph Act, 1885.

(XIII of 1885)

Section 1.—After "whole of India" insert "except the State of Hyderabad".

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Section 3.—Add the following clause—

"(8) 'India' does not include the State of Hyderabad.".

Section 35.—For section 35 substitute—

Reference to certain laws of Part B States.

"35. In the application of this Act to any Part B State references to the Code of Criminal Procedure, 1898 (V of 1898), in section 20, and to the Indian Penal Code (XLV of 1860), in section 31, shall be construed as references to the corresponding law for the time being in force in that State.".

The Land Acquisition (Mines) Act, 1885.

(XVIII of 1885)

Throughout the Act except in section 1 for "Provincial Government" substitute "appropriate Government".

Section 1.—For "any other Provincial Government" substitute "the Government of any other Part A State or of a Part C State".

Section 16.—In clause (*b*) for "the Provinces" substitute "Part A States and Part C States", after "Act of Parliament" insert "of the United Kingdom" and after clause (*b*) add—

"(*c*) 'appropriate Government' means, in relation to acquisition of land for the purposes of the Union, the Central Government, and in relation to acquisition of land for any other purposes, the State Government.".

The Mirzapur Stone Mahal Act, 1886.

(V of 1886)

Section 18.—For "The Tribunal to be constituted under section 296 (2) of the Government of India Act, 1935," substitute "The State Government or any officer or authority appointed by it for this purpose".

The Births, Deaths and Marriages Registration Act, 1886.

(VI of 1886)

Section 2.—For this section, substitute—

Extent.

"2. This Act extends to the whole of India except Part B States.".

Section 11.—In clause (*a*) of sub-section (1) for "the Provinces" substitute "a Part A State or a Part C State" and omit clause (*b*) of the sub-section.

Omit Section 13.

Section 24.—In sub-section (1) for "the Provinces" substitute "Part A States or Part C States" and omit sub-section (2).

Section 32.—For "a Province or in any Indian State" substitute "a Part A State or a Part C State" and omit the words beginning with "or, if he resides within any Indian State," and ending with "under the administration of that Provincial Government".

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Section 33.—Omit "and the Central Government, in the case of registers or records so sent to any other Registrar-General appointed by it under the said section,".

Section 35A.—In sub-section (1) omit "The Central Government or".

Section 36.—In sub-section (1) omit "and the Central Government, for British subjects in Indian States".

The Indian Tramways Act, 1886.

(XI of 1886)

Section 2.—For "all the Provinces of India except the territories" substitute "the whole of India except Part B States and the territories which were on the 12th March, 1886, respectively".

Section 3.—In sub-clauses (*b*) and (*c*) of clause (3) omit "the Central Government or any Provincial".

For clause (16) substitute—

"(16) 'Government', in relation to a tramway which is wholly within a municipal area or which is declared not to be a railway under clause (20) of article 366 of the Constitution, means the State Government and, in relation to any other tramway, means the Central Government.".

Section 12.—For the words beginning with "by an engineer appointed" and ending with "by the Provincial Government" substitute "by an engineer appointed by Government".

Section 24.—In sub-section (2) omit the proviso at the end.

The Jhansi and Morar Act, 1886.

(XVII of 1886)

Section 1.—Omit "of the North-Western Provinces".

Part I.—Section 5.—Omit "of the North-Western Provinces".

Part II.—In the Preamble, sections 7 and 9, for "the Provinces" substitute "Part A States".

Section 8.—For "British Indian Courts" substitute "Courts of Part A States".

The Suits Valuation Act, 1887.

(VII of 1887)

Section 2.—For "Provincial Government" substitute "Government of a Part A State or a Part C State".

The Provincial Small Cause Courts Act, 1887.

(IX of 1887)

Second Schedule.—In clause (25) for "the Provinces" substitute "a Part A State or a Part C State".

The Police Act, 1888.

(III of 1888)

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After section 1 insert—

"Definition of 'State'." "1A. In this Act 'State' means a Part A State or a Part C State.".

The Indian Reserve Forces Act, 1888.

(IV of 1888)

Preamble and long title.—For "Her Majesty's" substitute "the".

Section 3.—For "the Provinces" substitute "the territories comprised within Part A States and Part C States".

Section 5.—For "Her Majesty's Indian Forces" substitute "the Regular Army".

The Indian Tolls Act, 1888.

(VIII of 1888)

Section 2.—For "any part of the Provinces" substitute "a Part A State or a Part C State".

The Metal Tokens Act, 1889.

(I of 1889)

Section 2.—For "the Provinces" where that expression occurs for the first time substitute "the territories for the time being comprised in Part A States and Part C States (in this section and in section 6 referred to as "the said territories")" and for "the provinces" where that expression occurs for the second time substitute "the said territories".

Section 6.—For "the Provinces" substitute "the said territories".

The Measures of Length Act, 1889.

(II of 1889)

Long title and Preamble.—Omit "in the Provinces".

Sections 2 and 5.—For "the Provinces" substitute "Part A States and Part C States".

The Indian Merchandise Marks Act, 1889.

(IV of 1889)

Section 2.—To section 2 add the following clause—

"(6) 'States' means all the territories for the time being comprised within Part A States and Part C States.".

The Revenue Recovery Act, 1890.

(I of 1890)

Section 4.—For "a Province of India" substitute "a Part A State or a Part C State".

Section 8.—Omit "the Provinces of".

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The Comptoir National D'Escompte de Paris Act, 1890.

(VII of 1890)

Preamble.—For "the Provinces" substitute "India".

Section 2.—For "the Provinces" where that expression occurs for the first time substitute "all the territories for the time being comprised within Part A States and Part C States (in this Act referred to as "the said territories")" and where the expression occurs for the second time substitute "the said territories".

Sections 3, 4, 5, 7, 9, 11, 13 and 14.—For "the Provinces" substitute "the said territories".

Schedules A and B.—For "the Provinces" substitute "India".

The Guardians and Wards Act, 1890.

(VIII of 1890)

Section 3.—For "the Provinces" where that expression occurs for the first time substitute "Part A States and Part C States" and for "the Provinces by Letters Patent" substitute "Part A States and Part C States".

Section 11.—For "the Provinces" substitute "a Part A State or a Part C State".

The Indian Railways Act, 1890.

(IX of 1890)

Throughout the Act, except where otherwise specifically provided, for "general controlling authority" substitute "Central Government".

Section 1.—At the end of sub-section (*2*) add "except the State of Hyderabad".

Section 3.—In clause (*6*) omit "or a State" and "or the State" and omit clauses (*19*) and (*22*).

Section 8A.—Omit "His Majesty for the purposes of" at both places and "or the doing of anything on or to any works, lands or buildings vested in, or in the possession of, the Government of an Acceding State without the consent of that Government".

Section 47.—In sub-section (*3*) omit "the general controlling authority and where that authority is not the Central Government also of" and in the proviso to the sub-section omit clause (*a*).

Omit sub-section (*4*).

Section 79.—Omit "or an Acceding State".

Section 82.—For "the King's enemies" substitute "enemies of Government".

Section 90.—Omit the proviso to the section.

Section 92.—For "authority to which the return should have been submitted" substitute "Central Government".

Section 93.—For "appropriate authority" where that expression occurs for the first time substitute "Central Government" and omit the second paragraph of the section beginning with "In this section" and ending with "the general controlling authority".

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Section 98.—For "appropriate authority" substitute "Central Government".

Section 140.—Omit "or a State".

For section 144 substitute—

"144. In the application of this Act to a Part B State, reference to an enactment in force in Part A States but not in force in that Part B State shall be construed as references to a corresponding law, if any, of that State.".

Application of Act to Part B States.

Section 145.—Omit "or a State".

Section 146.—For clauses (*a*) and (*b*) of sub-section (*1*) substitute—

"(*a*) to any tramway which is wholly within a municipal area or which is declared not to be a railway under clause (*20*) of article 366 of the Constitution, by the State Government; and

(*b*) to any other tramway, by the Central Government.".

Section 147.—Omit "The general controlling authority may, with the sanction of", insert "may" after "Central Government" and omit the proviso.

Second Schedule.—In item (*c*) for "British" substitute "Indian".

The Excise (Malt Liquors) Act, 1890.

(XIII of 1890)

Section 9.—For "the Provinces" substitute "Part A States and Part C States".

The Bankers' Books Evidence Act, 1891.

(XVIII of 1891)

Section 2.—In clause (*1*) after "Act of Parliament" insert "of the United Kingdom".

The Marriages Validation Act, 1892.

(II of 1892)

Throughout the Act for "Native Christian" substitute "Indian Christian" and for "Native Christians" substitute "Indian Christians".

Preamble.—For "the Provinces" substitute "India".

The Petit Baronetcy Act, 1893.

(VI of 1893)

Section 5.—For "the Provinces" substitute "Part A States or Part C States".

The Tributary Mahals of Orissa Act, 1893.

(XI of 1893)

This Act shall stand repealed.

The Land Acquisition Act, 1894. 471

(I of 1894)

Throughout the Act, except in section 43, for "Provincial Government" substitute "appropriate Government".

Section 3.—In clause (*e*) after "Act of Parliament" insert "of the United Kingdom" and after clause (*e*) add—

"(*ee*) the expression 'appropriate Government' means, in relation to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government:".

Section 54.—For "His Majesty in Council" substitute "the Supreme Court".

The Prisons Act, 1894.

(IX of 1894)

Preamble.—For "the Provinces" substitute "Part A States and Part C States".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Crown Grants Act, 1895.

(XV of 1895)

Long title, Preamble and Short title.—For "Crown" substitute "Government".

The Inland Bonded Warehouses Act, 1896.

(VIII of 1896)

Section 2.—For "the Provinces of India" substitute "the territories for the time being comprised within Part A States and Part C States".

The Epidemic Diseases Act, 1897.

(III of 1897)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2A.—For "the Provinces" substitute "a Part A State or a Part C State".

The Indian Fisheries Act, 1897.

(IV of 1897)

Long title and Preamble.—Omit "in the Provinces".

Section 2.—For "in any part of the Provinces" substitute "in a Part A State or a Part C State".

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For section 3 substitute—

"3. In this Act, and in all Central Acts and Regulations made after the commencement of this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(*1*) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code:

(*2*) "act", used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions:

(*3*) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:

(*4*) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland:

(*5*) "British India" shall mean, as respects the period before the commencement of Part III of the Government of India Act, 1935, all territories and places within His Majesty's dominions which were for the time being governed by His Majesty through the Governor-General of India or through any Governor or officer subordinate to the Governor-General of India, and as respects any period after that date and before the date of the establishment of the Dominion of India means all territories for the time being comprised within the Governors' Provinces and the Chief Commissioners' Provinces, except that a reference to British India in an Indian law passed or made before the commencement of Part III of the Government of India Act, 1935, shall not include a reference to Berar:

(*6*) "British possession" shall mean any part of Her Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a Central and a Local Legislature, all parts under the Central Legislature shall, for the purposes of this definition, be deemed to be one British possession:

(*7*) "Central Act" shall mean an Act of Parliament, and shall include—

(*a*) an Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution, and

(*b*) an Act made before such commencement by the Governor-General in Council or the Governor-General, acting in a legislative capacity:

(*8*) "Central Government" shall—

(*a*) in relation to anything done before the commencement of the Constitution, mean the Governor-General or the Governor-General in Council, as the case may be; and

(*b*) in relation to anything done or to be done after the commencement of the Constitution, mean the President;

and shall include—

(*i*) in relation to functions entrusted under clause (*1*) of article 258 of the Constitution to the Government of a State, the State Government acting within the scope of the authority given to it under that clause; and

(*ii*) in relation to the administration of a Part C State, the Chief Commissioner or Lieutenant Governor or Government of a neighbouring State or other authority acting within the scope of the authority given to him or it under article 239 or article 243 of the Constitution, as the case may be :

(*9*) "Chapter" shall mean a Chapter of the Act or Regulation in which the word occurs :

(*10*) "Chief Controlling Revenue Authority" or "Chief Revenue Authority" shall mean—

(*a*) in a State where there is a Board of Revenue, that Board ;

(*b*) in a State where there is a Revenue Commissioner, that Commissioner ;

(*c*) in Punjab, the Financial Commissioner ; and

(*d*) elsewhere, such authority as, in relation to matters enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and in relation to other matters, the State Government, may by notification in the official Gazette, appoint :

(*11*) "Collector" shall mean, in a Presidency-town, the Collector of Calcutta, Madras or Bombay, as the case may be, and elsewhere the chief officer in charge of the revenue-administration of a district :

(*12*) "Colony"—

(*a*) in any Central Act passed after the commencement of Part III of the Government of India Act, 1935, shall mean any part of His Majesty's dominions exclusive of the British Islands, the Dominions of India and Pakistan (and before the establishment of those Dominions, British India), any Dominion as defined in the Statute of Westminster, 1931, any Province or State forming part of any of the said Dominions, and British Burma ; and

(*b*) in any Central Act passed before the commencement of Part III of the said Act, mean any part of His Majesty's dominions exclusive of the British Islands and of British India ;

and in either case where parts of those dominions are under both a Central and local Legislature, all parts under the Central Legislature shall, for the purposes of this definition, be deemed to be one colony :

(*13*) "commencement", used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force :

(*14*) "Commissioner" shall mean the chief officer in charge of the revenue-administration of a division :

(*15*) "Constitution" shall mean the Constitution of India :

(*16*) "Consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul and any person for the time being authorised to perform the duties of consul-general, consul, vice-consul or consular agent :

(*17*) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction ;

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(*18*) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means which is intended to be used, or which may be used, for the purpose of recording that matter :

(*19*) "enactment" shall include a Regulation (as hereinafter defined) and any Regulation of the Bengal, Madras or Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid :

(*20*) "father", in the case of any one whose personal law permits adoption, shall include an adoptive father :

(*21*) "financial year" shall mean the year commencing on the first day of April :

(*22*) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not :

(*23*) "Government" or "the Government" shall include both the Central Government and any State Government :

(*24*) "Government securities" shall mean securities of the Central Government or of any State Government, but in any Act or Regulation made before the commencement of the Constitution shall not include securities of the Government of any Part B State :

(*25*) "High Court", used with reference to civil proceedings, shall mean the highest civil court of appeal (not including the Supreme Court) in the part of India in which the Act or Regulation containing the expression operates :

(*26*) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth :

(*27*) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code :

(*28*) "India" shall mean,—

(*a*) as respects any period before the establishment of the Dominion of India, British India together with all territories of Indian Rulers then under the suzerainty of His Majesty, all territories under the suzerainty of such an Indian Ruler, and the tribal areas ;

(*b*) as respects any period after the establishment of the Dominion of India and before the commencement of the Constitution, all territories for the time being included in that Dominion ; and

(*c*) as respects any period after the commencement of the Constitution, all territories for the time being comprised in the territory of India :

(*29*) "Indian law" shall mean any Act, Ordinance, Regulation, rule, order or bye-law which before the commencement of the Constitution had the force of law in any Province of India or part thereof, or thereafter has the force of law in any Part A State or Part C State or part thereof, but does not include any Act of Parliament of the United Kingdom or any Order in Council, rule or other instrument made under such Act ;

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(*30*) "Indian State" shall mean any territory which the Central Government recognised as such a State before the commencement of the Constitution, whether described as a State, an Estate, a Jagir or otherwise :

(*31*) "local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund :

(*32*) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force :

(*33*) "master", used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship :

(*34*) "merged territories" shall mean the territories which by virtue of an order made under section 290A of the Government of India Act, 1935, were immediately before the commencement of the Constitution being administered as if they formed part of a Governor's Province or as if they were a Chief Commissioner's Province :

(*35*) "month" shall mean a month reckoned according to the British calendar :

(*36*) "moveable property" shall mean property of every description, except immoveable property :

(*37*) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing :

(*38*) "offence" shall mean any act or omission made punishable by any law for the time being in force :

(*39*) "official Gazette" or "Gazette" shall mean the Gazette of India or the official Gazette of a State :

(*40*) "Part" shall mean a Part of the Act or Regulation in which the word occurs :

(*41*) "Part A State" shall mean a State for the time being specified in Part A of the First Schedule to the Constitution, "Part B State" shall mean a State for the time being specified in Part B of that Schedule and "Part C State" shall mean a State for the time being specified in Part C of that Schedule or a territory for the time being administered by the President under the provisions of article 243 of the Constitution :

(*42*) "person" shall include any company or association or body of individuals, whether incorporated or not :

(*43*) "Political Agent" shall mean,—

(*a*) in relation to any territory outside India, the Principal Officer, by whatever name called, representing the Central Government in such territory ; and

(*b*) in relation to any territory within India to which the Act or Regulation containing the expression does not extend, any officer appointed by the Central Government to exercise all or any of the powers of a Political Agent under that Act or Regulation :

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(*44*) "Presidency-town" shall mean the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Calcutta, Madras or Bombay as the case may be:

(*45*) "Province" shall mean a Presidency, a Governor's Province, a Lieutenant Governor's Province or a Chief Commissioner's Province:

(*46*) "Provincial Act" shall mean an Act made by the Governor in Council, Lieutenant Governor in Council or Chief Commissioner in Council of a Province under any of the Indian Councils Acts or the Government of India Act, 1915, or an Act made by the local legislature or the Governor of a Province under the Government of India Act, or an Act made by the Provincial Legislature or Governor of a Province or the Coorg Legislative Council under the Government of India Act, 1935:

(*47*) "Provincial Government" shall mean, as respects anything done before the commencement of the Constitution, the authority or person authorised at the relevant date to administer executive government in the Province in question:

(*48*) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code:

(*49*) "registered", used with reference to a document, shall mean registered in a Part A State or a Part C State under the law for the time being in force for the registration of documents:

(*50*) "Regulation" shall mean a Regulation made by the President under article 243 of the Constitution, and shall include a Regulation made by the Central Government under the Government of India Act, 1870, or the Government of India Act, 1915, or the Government of India Act, 1935:

(*51*) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment:

(*52*) "schedule" shall mean a schedule to the Act or Regulation in which the word occurs:

(*53*) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874:

(*54*) "section" shall mean a section of the Act or Regulation in which the word occurs:

(*55*) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars:

(*56*) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions:

(*57*) "son," in the case of any one whose personal law permits adoption, shall include an adopted son:

(*58*) "State" shall mean a Part A State, a Part B State or a Part C State:

(*59*) "State Act" shall mean an Act passed by the Legislature of a State established or continued by the Constitution:

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(60) "State Government,"—

(a) as respects anything done before the commencement of the Constitution, shall mean, in a Part A State, the Provincial Government of the corresponding Province, in a Part B State, the authority or person authorised at the relevant date to exercise executive government in the corresponding Acceding State, and in a Part C State, the Central Government; and

(b) as respects anything done or to be done after the commencement of the Constitution, shall mean, in a Part A State, the Governor, in a Part B State, the Rajpramukh, and in a Part C State, the Central Government:

(61) "sub-section" shall mean a sub-section of the section in which the word occurs:

(62) "swear," with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing:

(63) "vessel" shall include any ship or boat or any other description of vessel used in navigation:

(64) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property:

(65) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form: and

(66) "year" shall mean a year reckoned according to the British calendar.".

For section 4A substitute—

Applications of certain definitions of Indian laws.

"4A. (1) The definitions in section 3 of the expressions "British India", "Central Act", "Central Government", "Chief Controlling Revenue Authority", "Chief Revenue Authority", "Constitution", "Gazette", "Government", "Government securities", "High Court", "India", "Indian law", "Indian State", "merged territories", "official Gazette", "Part A State", "Part B State", "Part C State", "Provincial Government" "State" and "State Government" shall apply, unless there is anything repugnant in the subject or context, to all Indian laws.

(2) In any Indian law, references, by whatever form of words, to revenues of the Central Government or of any State Government shall, on and from the first day of April 1950, be construed as references to the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be.".

Section 5.—For sub-section (1) substitute—

"(1) Where any Central Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which it receives the assent,—

(a) in the case of a Central Act made before the commencement of the Constitution, of the Governor-General, and

(b) in the case of an Act of Parliament, of the President.".

Omit sub-section (2).

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Section 8.—In sub-section (2) for "Where any Act of Parliament repeals and re-enacts" substitute "Where before the fifteenth day of August, 1947, any Act of Parliament of the United Kingdom repealed and re-enacted".

Omit section 13A.

Section 23.—In clause (2) for "Central Government or the Provincial Government" substitute "Government concerned".

Section 30.—For "clauses (9), (12), (38), (48) and (50)" substitute "clauses (9), (13), (25), (40), (43), (52) and (54)" and after "Government of India Act, 1935" add "and an Ordinance promulgated by the President under article 123 of the Constitution".

The Lepers Act, 1898.

(III of 1898)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.",

and in sub-section (*3*) for "any Part thereof" substitute "any Part A State or Part C State".

The Code of Criminal Procedure, 1898.

(V of 1898)

Section 4.—In sub-section (*1*)—

in clause (*e*) for "Clerk of the Crown" substitute "Clerk of the State", and

after clause (*t*) insert—

"(*tt*) 'State' means a Part A State or a Part C State, and 'States' means all the territories for the time being comprised within Part A States and Part C states:".

Section 54.—In clause *sixthly* of sub-section (*1*) for "Her Majesty's" substitute "the Indian" and for "Indian States Forces" substitute "the armed forces maintained by Part B States".

Sections 93A and 93B.—For "in any part of India" substitute "in exercise of its foreign jurisdiction".

Section 93C.—For "in any part of India outside the Provinces" substitute "in exercise of its foreign jurisdiction".

Section 99A.—In sub-section (*1*) for "His Majesty's subjects" substitute "the citizens of India".

Section 128.—For "His Majesty's" substitute "the Indian" and for "or a volunteer enrolled under the Indian Volunteers Act, 1869," substitute "or a person subject to the Territorial Army Act, 1948,".

Section 130.—For "Her Majesty's Army or of any volunteers enrolled under the Indian Volunteers Act, 1869," substitute "the Indian Army or of any persons subject to the Territorial Army Act, 1948,".

Section 131.—For "Her Majesty's" substitute "the Indian".

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Section 132.—For "or volunteer" substitute "or person subject to the Indian Territorial Army Act, 1948," and for "His Majesty's Army" substitute "the Indian Army or any person subject to the Territorial Army Act, 1948,".

Section 178.—After "Government of India Act, 1935," insert "or article 227 of the Constitution".

Section 179.—In illustration (*d*) for "the Native State of Baroda" substitute "the State of Saurashtra".

Section 188.—For the part of the section commencing with the words "When a British subject domiciled in India" and ending with the words "registered in the Provinces wherever it may be" substitute—

"When an offence is committed by—

(*a*) any citizen of India in any place without and beyond India; or

(*b*) any person on any ship or aircraft registered in India, wherever it may be".

Section 194.—For the second paragraph in sub-section (*1*) substitute—

"Nothing herein contained shall be deemed to affect the provisions of any letters patent or order by which a High Court is constituted or continued, or any other provision of this Code.".

Section 197.—In sub-section (*1*) for clauses (*a*) and (*b*) substitute—

"(*a*) in the case of a person employed in connection with the affairs of the Union, of the Central Government; and

(*b*) in the case of a person employed in connection with the affairs of a State, of the State Government;".

In sub-section (*2*) for "the Governor-General or Governor" substitute "the Central Government or the State Government".

Sections 198 and 199.—For "His Majesty's armed forces" substitute "the Armed Forces of the Union".

Section 266.—For "a High Court within the meaning of the Government of India Act, 1935" substitute "the High Court for a Part A State".

Section 267.—For "of any High Court established under the Indian High Courts Act, 1861, or the Government of India Act, 1915, or the Government of India Act, 1935," substitute "or order by which the High Court is constituted or continued".

Section 313.—In sub-sections (*1*) and (*5*) for "Clerk of the Crown" substitute "Clerk of the State".

Sections 314 and 315.—For "Clerk of the Crown" substitute "Clerk of the State".

Section 317.—For "Her Majesty's" substitute "the Indian".

Section 320.—For clause (*aa*) substitute—

"(*aa*) members of Parliament or members of the Legislature of any Part A State or Part C State;", and

in clause (*g*) for "Her Majesty's" substitute "the Indian".

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Sections 364 and 365.—For "within the meaning of the Government of India Act, 1935," substitute "for a Part A State".

Section 369.—For "in the case of a High Court established by Royal Charter, by the Letters Patent of such High Court" substitute "in the case of a High Court for a Part A State, by the Letters Patent or other instrument constituting such High Court".

Section 401.—Throughout this section for "Provincial Government" substitute "appropriate Government" and omit sub-sections (*5*) and (*5A*).

Sections 402.—In sub-section (*1*) for "Provincial Government" substitute "appropriate Government" and after sub-section (*2*) add—

"(*3*) In this section and in section 401, the expression "appropriate Government" shall mean—

(*a*) in cases where the sentence is for an offence against, or the order referred to in sub-section (*4A*) of section 401 is passed under, any law relating to a matter to which the executive power of the Union extends, the Central Government; and

(*b*) in other cases, the State Government.".

Section 402A.—For "the Governor-General" substitute "the Central Government".

Section 411A.—In sub-section (*1*) omit "Without prejudice to the provisions of section 449".

In sub-section (*4*) for "His Majesty in Council" substitute "the Supreme Court" and for "declares that the matter" substitute "certifies that the case".

Section 426.—For sub-section (*2B*) substitute—

"(*2B*) Where a High Court is satisfied that a convicted person has been granted special leave to appeal to the Supreme Court against any sentence which the High Court has imposed or maintained, the High Court may, if it so thinks fit, order that pending the appeal the sentence or order appealed against be suspended, and also, if such person is in confinement, that he be released on bail.".

Section 503.—In sub-section (*2*) for "a tribal area" substitute "an area which immediately before the commencement of the Constitution was a tribal area";

in sub-section (*2A*) for "has extra-provincial jurisdiction within the meaning of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947)" substitute "exercises foreign jurisdiction"; and

in sub-section (*4*) for "to an officer exercising the powers of a District Magistrate in a tribal area under sub-section (*2*)" substitute "under sub-section (*2*) to an officer exercising the powers of a District Magistrate in an area which immediately before the commencement of the Constitution was a tribal area".

Section 508A.—Omit "outside India".

Section 539.—For "Clerk of the Crown" substitute "Clerk of the State".

Section 549.—Omit "that Act as modified by".

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Section 554.—For "any High Court within the meaning of the Government of India Act, 1935, other than the Chief Court of Oudh" substitute "any High Court for a Part A State".

Section 555.—For "section 224 of the Government of India Act, 1935," substitute "article 227 of the Constitution".

Section 558.—For "the Courts which are High Courts for the purposes of the Government of India Act, 1935," substitute "a High Court for a Part A State".

Section 565.—In clause (*b*) of sub-section (*1*) for "by a Court or Tribunal" substitute "before the 26th day of January, 1950, by a Court or Tribunal" and the words "Indian State" shall stand unmodified.

Schedule II.—In col. 2 of the Schedule—

in the entries against sections 121, 122, 125 and 126 for "Queen" substitute "Government of India"; and

in the entries against sections 232, 234, 235, 238, 240, 243, 247, 249, 251 and 253 for "the Queen's coin" and "Queen's coin" substitute "Indian coin".

Schedule V.—Throughout this Schedule, except where otherwise provided, for "Her Majesty the Queen" and "His Majesty the King" substitute "Government".

In Form XI for "Her Majesty the Queen and to all Her subjects" substitute "Government and all the citizens of India".

In Form XXVIII under the heading (I) CHARGES WITH ONE HEAD, for "Her Majesty the Queen" substitute "the Government of India".

The Indian Post Office Act, 1898.

(VI of 1898)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States; and it applies also to all citizens of India outside India.".

Section 2.—After clause (*k*) add—

"(*l*) 'States' means all the territories for the time being comprised within Part A States and Part C States.".

Section 12.—For "Her Majesty's" substitute "Government".

Section 27.—In the Explanation for "Her Majesty's dominions or of any Indian State" substitute "India or of His Majesty's dominions" and for "part, State or country" substitute "part or country".

Sections 36 and 46.—For "are in force" substitute "made", for "Indian State or foreign country" substitute "Indian State corresponding to a Part B State or foreign country are in force" and for "State or country" substitute "Part B State or country".

Section 57.—For "in a tribal area, Acceding State or other Indian State" substitute "in an area which was a tribal area before the commencement of the Constitution or in a Part B State".

The Live-stock Importation Act, 1898.

(IX of 1898)

Section 3.—For "the Provinces" substitute "the territories for the time being comprised within Part A States and Part C States".

The Indian Stamp Act, 1899.

(II of 1899)

Throughout the Act, except as otherwise expressly provided, for "collecting Government" substitute "State Government".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—Omit clause (*12A*).

Omit the word "and" at the end of clause (*24*).

After clause (*25*) add—

"(*26*) "States" means all the territories for the time being comprised within Part A States and Part C States.".

Section 9.—Renumber the existing section as sub-section (*1*), omit "collecting" and add the following sub-section—

"(*2*) In this section the expression "the Government" means,—

(*a*) in relation to stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts, and in relation to any other stamp duty chargeable under this Act and falling within entry 96 in List I in the Seventh Schedule to the Constitution, the Central Government;

(*b*) save as aforesaid, the State Government.".

Section 57.—For clauses (*a*), (*b*) and (*c*) of sub-section (*1*) substitute—

"(*a*) if it arises in a Part A State, to the High Court for that State;

(*b*) in relation to Ajmer, the High Court at Allahabad;

(*c*) in relation to Bhopal, the High Court at Nagpur;

(*d*) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(*e*) in relation to Coorg, the High Court at Madras;

(*f*) in relation to Kutch, the High Court at Bombay; and

(*g*) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta.

In sub-section (*2*) omit "Chief Court or Judicial Commissioner's Court".

Section 76A.—Omit "The Central Government, subject to the provisions of section 124 (1) of the Government of India Act, 1935, and",

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Schedule I.—In item 5, omit clause (*c*) of the Exemptions.

In item 53, in clause (*d*) of the Exemptions for "His Majesty's" substitute "the Indian".

The Church of Scotland Kirk Sessions Act, 1899.

(XXIII of 1899)

Long title and Preamble.—For "the Provinces" substitute "India".

The Prisoners Act, 1900.

(III of 1900)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—After clause (*b*) insert—

"(*c*) 'State' means a Part A State or a Part C State, and 'States' means all the territories for the time being comprised within Part A States and Part C States.".

For section 15 substitute—

"15. *Power for officers in charge of prisons to give effect to sentences of certain Courts.*—(*1*) Officers in charge of prisons outside the Presidency-towns may give effect to any sentence or order or warrant for the detention of any person passed or issued—

(*a*) by any Court or tribunal acting, whether within or without the States under the general or special authority of the Central Government, or of any State Government, or of the Government of Burma, or by any Court or tribunal, which was before the commencement of the Constitution acting under the general or special authority of His Majesty, or of the Crown Representative; or

(*b*) before the 26th January, 1950, by any Court or tribunal in any Indian State—

(*i*) if the presiding Judge, or if the Court or tribunal consisted of two or more Judges, at least one of the Judges, was an officer of the Crown authorised to sit as such Judge by the State or the Ruler thereof or by the Central Government or the Crown Representative; and

(*ii*) if the reception, detention or imprisonment in any Province of India of persons sentenced by any such Court or tribunal had been authorised by general or special order by the State Government; or

(*c*) by any other Court or tribunal in a Part B State with the previous sanction of the State Government in the case of each such sentence, order or warrant:

Provided that effect shall not be given to any sentence or order or warrant for detention passed or issued by any Court or tribunal in Burma without the previous sanction of the State Government concerned.

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(2) Where a Court or tribunal of such an Indian State as aforesaid had passed a sentence which could not have been executed without the concurrence of an officer of the Crown, and such sentence had been considered on the merits and confirmed by any such officer specially authorised in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Central Government or the Crown Representative.".

Section 18.—Omit sub-section (3) and the proviso thereto.

Section 33.—For "for the purposes of the Government of India Act, 1935," substitute "for a Part A State".

The Indian Tolls (Army and Air Force) Act, 1901.

(II of 1901)

Preamble.—Omit the words beginning with "Whereas certain officers, soldiers, airmen" and ending with "section 143 of the said Air Force Act".

Section 1.—For sub-section (2) substitute—

"(2) It extends to the whole of India except Part B States.".

Section 2.—For clause (d) substitute—

"(d) the expression 'the Regular Forces' means the Regular Army as defined in clause (7A) of section 7 of the Indian Army Act, 1911, and includes the Indian Air Force and also the Indian Reserve Forces when subject to military or air force law, as the case may be".

In clause (f) after "other than" insert "the Regular Forces or".

In clause (g) omit "the Royal Air Force Volunteer Reserve and".

Section 3.—In clauses (a) (i), (d) (i) and (e) (i) for "His Majesty's Regular Forces" substitute "the Regular Forces";

in clauses (a) (iii) and (d) (iv) for "Indian State Forces" substitute "Armed Forces maintained by Part B States";

in clause (h) for "in His Majesty's" substitute "in the Indian";

in clause (i) for "in His Majesty's" substitute "in the Indian"; and for "the Provinces" substitute "a Part A State or a Part C State".

Section 4.—In clause (c) of sub-section (1) for "in His Majesty's" substitute "in the Indian".

The Indian Works of Defence Act, 1903.

(VII of 1903)

Section 1.—For sub-section (2) substitute—

"(2) It extends to the whole of India except Part B States.".

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The Indian Foreign Marriage Act, 1903.

(XIV of 1903)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Omit sub-section (*3*).

Section 2.—In sub-section (*4*) for "the Provincial Government for each Province and the Central Government for British subjects and servants of the Crown in any Indian State" substitute "the State Government".

The Indian Extradition Act, 1903.

(XV of 1903)

Preamble.—Omit "in the Provinces of India".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—Omit "and" at the end of clause (*e*), insert "and" at the end of clause (*f*) and after that clause add—

"(*g*) 'States' means all the territories for the time being comprised within Part A States and Part C States".

Section 7.—In sub-section (*1*) for "in the territories of any State not being a foreign State" substitute "in a Part B State or in the territories of any State outside India not being a foreign State" and for "the Provinces" substitute "the territories to which this Act extends".

Sections 9, 10, 11 and 12.—For "any State not being a foreign State" substitute "any Part B State or any State outside India not being a foreign State".

Section 21.—For "a British Court" substitute "an Indian Court".

First Schedule.—For "Indian State Forces" substitute 'the Armed Forces maintained by a Part B State".

The Ancient Monuments Preservation Act, 1904.

(VII of 1904)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 17.—In sub-section (*1*) for "the Provinces" where that expression occurs for the first time substitute "the territories for the time being comprised within Part A States and Part C States" and where that expression occurs for the second time substitute "the said territories".

In sub-section (*2*) for "the Provinces" substitute "the said territories".

The Indian Universities Act, 1904.

(VIII of 1904)

Long title and Preamble.—Omit "in the Provinces of India".

The Indian Coinage Act, 1906.

(III of 1906)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Code of Civil Procedure, 1908.

(Act V of 1908)

Section 1.—For sub-section (*3*) substitute:

"(*3*) This section and sections 155 to 158 extend to the whole of India except Part B States: the rest of the Code extends to the whole of India except Part B States and the Scheduled Districts".

Section 2.—In sub-clause (*c*) of clause (*17*) for "His Majesty" substitute "the Union".

After clause (*20*) insert:

"(*21*) 'State' means a Part A State or a Part C State, and 'States' means all the territories for the time being comprised within Part A States and Part C States".

Section 10.—For "His Majesty in Council" substitute "the Supreme Court".

Section 43.—Omit "of India" and "or the Crown Representative" and for "in any Indian State" substitute "outside India".

Section 44.—Omit "not being Courts established or continued by the authority of the Central Government or of the Crown Representative".

Section 45.—For "in any Indian State" substitute "outside India".

Section 60.—In clause (*j*) of the proviso to sub-section (*1*) omit "the Naval Discipline Act as modified by".

In *Explanation 3* to sub-section (*1*) for "a Federal Railway" substitute "a Railway administration" and in clause (*iii*) omit "railway or".

Section 78.—Omit "of His Majesty or".

Sections 79 and 82.—For "the Dominion of India" substitute "the Union of India".

Section 83.—For "subjects of His Majesty" substitute "citizens of India".

Section 84.—Omit "by His Majesty or".

In the two provisos to sub-section (*1*) for "State" substitute "foreign State".

Section 85.—For "British Government" substitute "Government of India".

Section 109.—For "Subject to such rules" substitute "Subject to the provisions in Chapter IV of Part V of the Constitution and such rules", for "His Majesty in Council" substitute "the Supreme Court" and for "decree or final order" substitute "judgment, decree or final order".

Section 110.—For "ten thousand" substitute "twenty thousand", for "His Majesty in Council" substitute "the Supreme Court" and for "decree or final order" substitute "judgment, decree or final order".

Omit Section 111.

Section 112.—For sub-section (*1*) substitute—

"(*1*) Nothing contained in this Code shall be deemed—

(*a*) to affect the powers of the Supreme Court under article 136 or any other provision of the Constitution, or

(*b*) to interfere with any rules made by the Supreme Court, and for the time being in force, for the presentation of appeals to that Court, or their conduct before that Court".

Section 116.—For "which are, or may hereafter be, constituted by His Majesty by Letters Patent" substitute "for Part A States".

Section 122.—For "Courts which are High Courts for the purposes of the Government of India Act, 1935," substitute "High Courts for Part A States".

Section 126.—For "Governor-General" substitute "Central Government".

Section 129.—For "Constituted by His Majesty by Letters Patent" substitute "for a Part A State" and after "Letters Patent" where that expression occurs for the second time insert "or order".

Section 130.—For "not constituted by His Majesty by Letters Patent" substitute "not being a High Court to which Section 129 applies", for "so constituted" substitute "for a Part A State" and for "Section 224 of the Government of India Act, 1935," substitute "article 227 of the Constitution".

Section 135A.—In clause (*a*) of sub-section (*1*) for "Chamber" substitute "House" and for "constituted under the Government of India Act, 1935," substitute "continued or constituted under the Constitution".

In clause (*b*) of the sub-section for "Chamber" substitute "House" and in clause (*c*) of the sub-section for "Chamber" substitute "House" and for "Chambers" substitute "Houses".

Order V. Rule 26.—Omit "or extra-provincial".

Order V. Rule 27.—For "His Majesty's" substitute "the Indian".

Order XXI. Rule 48.—In sub-rule (*3*) for "His Majesty's Indian revenues" substitute "the revenues of the Central Government or a State Government".

In the *Explanation* for "a Federal Railway" substitute "a railway administration" and omit "railway or".

Order XXVII.—Throughout this Order for "Crown pleader" substitute "Government pleader".

Order XXVII. Rule 8B.—After "In this Order" insert "unless otherwise expressly provided" and in clause (*c*) after "the Government pleader" insert "as defined in clause (*7*) of Section 2".

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Order XXVIIA.—In the heading of the Order for "the Government of India Act, 1935, or any Order-in-Council made thereunder" substitute "the Constitution".

Order XXVIIA. Rules 1 and 2.—For "in sub-section (*1*) of section 205 of the Government of India Act, 1935" substitute "in clause (*1*) of article 132 read with article 147 of the Constitution" and for "the Advocate-General of India" substitute "the Attorney-General for India".

Order XXVIIA Rule 3.—After "in a suit" insert "the Attorney-General,".

Order XLV.—In the heading for "King-in-Council" substitute "Supreme Court".

Throughout this Order, except as otherwise provided, for "His Majesty in Council" substitute "the Supreme Court".

Order XLV. Rule 7.—In clause (*b*) of sub-rule (*1*) after "indexing" insert ", printing", for "Order of His Majesty in Council" substitute "Rule of the Supreme Court" and omit sub-rule (*2*).

Order XLV. Rule 13.—In clause (*c*) of sub-rule (*2*) for "any order" substitute "any decree or order".

Order XLV. Rule 15.—In sub-rule (*1*) for "any order" substitute "any decree or order" and for "His Majesty" substitute "the Supreme Court".

In sub-rule (*2*) for "order" substitute "decree or order".

Omit sub-rule (*3*).

In sub-rule (*4*) for "Unless His Majesty in Council is pleased otherwise to direct, no order of His Majesty in Council" substitute "Unless the Supreme Court otherwise directs, no decree or order of that Court".

Order XLV. Rule 16.—For "order" substitute "decree or order".

The First Schedule. Appendix A.—Under the heading "Description of Parties in Particular Cases" for the description "The Secretary of State or the Federation of India or the Province of....., as the case may be" substitute the description "The Union of India or the State of....., as the case may be".

Appendix E.—In Form 14 omit "in the name of the King Emperor of India".

Appendix G.—In Forms 12 and 13 for "King in Council" substitute "Supreme Court" and for "His Majesty in Council" substitute "the Supreme Court".

Appendix H.—In the note at the end of Form 8 for "His Majesty's Secretary of State for Foreign Affairs" substitute "the Ministry of External Affairs of the Government of India".

The Explosive Substances Act, 1908.

(VI of 1908)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States, and applies also to citizens of India wherever they may be".

Section 4.—For "the Provinces" where it occurs for the first time substitute "a Part A State or a Part C State" and where it occurs for the second and third time substitute "any such State".

The Indian Limitation Act, 1908.

(IX of 1908)

Section 2.—After clause (*9*) insert—

"(*9A*) 'States' means all the territories for the time being comprised within Part A States and Part C States".

The First Schedule.—In article 149 for "Federal Court" substitute "Supreme Court".

In articles 153, 179 and 183 for "His Majesty in Council" substitute "the Supreme Court".

The Indian Criminal Law Amendment Act, 1908.

(XIV of 1908)

Section 1.—In sub-section (2) for "any other Province" substitute "any other Part A State or of any Part C State".

The Indian Ports Act, 1908.

(XV of 1908)

Section 3.—After clause (*9*) add—

"(10) 'State' means a Part A State or a Part C State, and 'States' means all the territories for the time being comprised within Part A States and Part C States".

Section 41.—Omit "of India".

Section 62.—In sub-section (*1*) for "any of His Majesty's subjects" substitute "any citizen of India or Commonwealth citizen", for "British colours" substitute "Indian or British colours" and for "His Majesty's Regulations" substitute "the regulations".

In sub-section (*3*) for "His Majesty's Navy or the Royal Indian Navy" substitute "the Indian Navy".

Section 63.—After "Order in Council" insert "or order".

The Indian Registration Act, 1908.

(XVI of 1908)

Section 2.—In clause (*1*) for "a Native of India" substitute "an Indian".

After clause (*10*) insert—

"(*11*) 'States' means all the territories for the time being comprised within Part A States and Part C States".

Section 33.—In clause (*c*) of sub-section (*1*) for "British" substitute "Indian" and omit "of His Majesty or".

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The Presidency-Towns Insolvency Act, 1909.

(III of 1909)

Section 2.—After clause (*i*) insert—

" (*j*) 'States' means all the territories for the time being comprised within Part A States and Part C States ".

Section 22.—For " British Court " substitute " Court in India ".

Section 60.—In sub-section (*1*) for " the Army or Navy or of the Royal Indian Navy " substitute " the Indian Army or Navy ".

Section 117.—In clause (*a*) omit " of India ".

In clause (*d*) for " a British Minister or British Consul or British Political Agent " substitute " an Indian Consul or Political Agent ".

The Whipping Act, 1909.

(IV of 1909)

Section 1.—For sub-section (*2*) substitute—

" (*2*) It extends to the whole of India except Part B States ".

The Indian Electricity Act, 1910.

(IX of 1910)

Section 1.—For sub-section (*2*) substitute—

" (*2*) It extends to the whole of India except Part B States ".

Section 35.—For sub-section (*1*) substitute—

" (*1*) The Central Government may, for the whole or any part of the territories comprised within Part A States and Part C States, and each State Government may, for the whole or any part of such State, by notification in the official Gazette constitute an Advisory Board ".

Section 37.—In sub-section (*1*) for " all the Provinces or any part thereof " substitute " the territories for the time being comprised within Part A States and Part C States or any part of such territories ".

The Indian Museum Act, 1910.

(X of 1910)

Sections 7 and 8.—For " the Provinces " substitute " India ".

The Indian Patents and Designs Act, 1911.

(II of 1911)

Section 1.—For sub-section (*2*) substitute—

" (*2*) It extends to the whole of India except Part B States ;".

Section 2.—In clause (*1*) for " the Government of India Act, 1935 " substitute " the Constitution ".

In clause (*7*) for " as defined in sub-section (*1*) of section 219 of the Government of India Act, 1935 " substitute " for a Part A State ".

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After clause (*14*) add—

" (*15*) 'State' means a Part A State or a Part C State, and 'States' means all the territories for the time being comprised within Part A States and Part C States.".

Section 3.—In sub-section (*1*) for "British subject" substitute "citizen of India".

Section 21.—In sub-section (*1*) for "His Majesty the King as it has against a subject" substitute "Government as it has against any person".

Section 21A.—Omit "on behalf of His Majesty".

Section 42.—In sub-section (*2*) for "British" substitute "Indian".

Section 78A.—In sub-section (*4*) for "of any Acceding State or other Indian State" substitute "the law of any Part B State".

Omit section 79.

The Indian Army Act, 1911.

(VIII of 1911)

Throughout the Act, save as otherwise expressly provided, for each of the expressions specified in the first column of the following table, substitute the expression specified against it in the second column :—

(1)	(2)
Viceroy's commissioned officer	Junior commissioned officer
Viceroy's commissioned officers	Junior commissioned officers
His Majesty's Forces	the Regular Army
His Majesty's Indian Forces	the Regular Army
His Majesty's Indian Land Forces	the Regular Army

Section 5.—In sub-section (*1*) after "apply" insert "with or without modifications" and at the end of the sub-section add "including any force maintained by a Part B State".

Section 6A.—For "of an Acceding State" substitute "maintained by a Part B State".

Section 7.—For clauses (*2*) and (*2A*) substitute—

" (*2*) 'Indian commissioned officer' means a person commissioned, gazetted or in pay as an officer holding a commission in the Regular Army, and includes, in relation to a person subject to this Act when serving under such conditions as may be prescribed, a person holding a commission in the Indian Navy or the Indian Air Force :

(*2A*) 'Junior commissioned officer' means a person commissioned, gazetted or in pay as a Junior commissioned officer in the Regular Army :".

In clause (*3*) for "an Indian warrant officer" substitute "a warrant officer".

In clause (*4*) for "an Indian non-commissioned rank" substitute "a non-commissioned rank".

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For clause (*5*) substitute—

"(*5*) 'officer' means an Indian commissioned officer or a Junior commissioned officer, and includes a British officer, and, in relation to a person subject to this Act when serving under such conditions as may be prescribed, an officer of the Indian Navy or the Indian Air Force, but does not include a warrant officer, petty officer or non-commissioned officer :".

In clause (*7*) after "non-commissioned officer of" insert "the Indian Navy or the Indian Air Force or of".

After clause (*7*) insert—

"(*7A*) 'Regular Army' means the Indian commissioned officers, Junior commissioned officers, warrant officers, non-commissioned officers and other enrolled persons who, by their commission, warrant, terms of enrolment or otherwise, are liable to render continuously for a term military service to the Union in every part of the world or in specified parts of the world, and includes persons belonging to the Reserve Forces or the Territorial Army when called out on permanent service :".

In clauses (*17*) and (*18*) for "a Province" substitute "a Part A State or a Part C State".

After section 7 insert—

Application of Act to existing personnel.

"7A (*1*) All persons who, immediately before the commencement of the Constitution, were subject to this Act as then in force shall be deemed to be part of the Regular Army and shall be under the same obligations to serve the Union as they were under to serve His Majesty; and all such persons shall continue to be subject to this Act and all other Acts, Ordinances, Regulations and provisions relating to the Regular Army for the time being in force.

(*2*) Every person who, immediately before the commencement of the Constitution, was subject to this Act as then in force as an Indian commissioned officer, a Viceroy's commissioned officer or a warrant officer shall, as from such commencement, be deemed to have been commissioned or appointed as an Indian commissioned officer, a Junior commissioned officer or a warrant officer, as the case may be, in the Regular Army, and shall thereafter be subject to this Act accordingly.

(*3*) Every person who, immediately before the commencement of the Constitution, was subject to this Act as then in force as a person attested or enrolled in the Indian Land Forces shall be deemed to have been attested or enrolled, as the case may be, in the Regular Army, and shall thereafter be subject to this Act accordingly.".

Section 12.—In sub-section (*2*) for "be faithful to His Majesty, His heirs and successors" substitute "bear true faith and allegiance to the Constitution of India as by law established" and for "by land or sea" substitute "by air, land or sea".

Section 25.—In clause (*j*) for "of His Majesty's forces" substitute "forces of the Union".

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Section 41.—In sub-section (*1*) for "either within the Provinces or at any place beyond the Provinces" substitute "whether within or outside India" and omit "or at any place, other than such frontier ports as may be specified by the Central Government by notification in this behalf, in which the Central Government exercises extra-provincial jurisdiction".

To sub-section (*1*) add—

"*Explanation.*—In this sub-section, the term 'States' does not include Part B States."

Section 62.—For "His Majesty's troops" substitute "the Regular Army".

Section 67.—For "His Majesty's regular forces" substitute "the Regular Army" and in the *Explanation* for "His Majesty" substitute "the Government of India".

Section 85.—In sub-section (*3*) for "any Indian State or tribal area" substitute "a Part B State".

In sub-section (*5*) for "officer subordinate to him" substitute "magistrate" and for "the Provinces" substitute "a Part A State".

In sub-section (*6*) for "British" substitute "Indian".

Section 91A.—In sub-sections (*1*) and (*5*) for "any portion of His Majesty's Forces" wherever they occur substitute "any portion of His Majesty's Forces before the twenty-sixth day of January, 1950, or of the Regular Army thereafter".

In sub-section (*5*) for "that portion of His Majesty's Forces" substitute "that portion of His Majesty's Forces or, as the case may be, the Regular Army".

Section 111A.—For "within the Provinces or not" substitute "within a Part A State or a Part C State or elsewhere" and for "in the Provinces" substitute "in a Part A State or Part C State".

Section 111B.—For "the Provinces" substitute "Part A States".

Section 114.—In clause (*6*) for "His Majesty" substitute "the Central Government".

Section 126B.—In sub-section (*2*) for "within the Provinces or not" substitute "within a Part A State or Part C State or elsewhere" and after "district" insert "of a Part A State or Part C State".

The Cowasjee Jehangir Baronetcy Act, 1911.

(XIX of 1911)

Section 6.—For "the Provinces" substitute "a Part A State".

Section 20.—For "the King's Most Excellent Majesty, His heirs, and successors" substitute "the Government".

The Co-operative Societies Act, 1912.

(II of 1912)

Section 28.—In sub-section (*2*) after "Policies of insurance" insert "transfer of shares, debentures,", for "Item 59" substitute "entry 96" and for "the Government of India Act, 1935," substitute "the Constitution."

The Indian Lunacy Act, 1912. 494

(IV of 1912)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States."

Sections 2 and 91.—For "which is or hereafter may be constituted by His Majesty by Letters Patent or by order of the Governor-General", substitute "for a Part A State".

Section 3.—After clause (*12*) add—

"(*13*) 'States' means all the territories for the time being comprised within Part A States and Part C States.".

Omit section 100A.

Schedule I.—In Forms 7 and 8 for "His Majesty the King" substitute "the Government".

The Bengal, Bihar and Orissa and Assam Laws Act, 1912.

(VII of 1912)

Section 3.—For "the Provinces" substitute "India".

Section 9.—For "Part III of the Government of India Act, 1935," substitute "the Constitution" and for "section 293 of that Act" substitute "article 372 of the Constitution".

The Wild Birds and Animals Protection Act, 1912.

(VIII of 1912)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Delhi Laws Act, 1912.

(XIII of 1912)

Section 3.—For "the Provinces" substitute "India".

The Official Trustees Act, 1913.

(II of 1913)

Throughout this Act, except as otherwise expressly provided for "Division" substitute "State".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—For clause (*1*) substitute—

"(*1*) 'Government' or 'the Government' means, in relation to a Part A State, the State Government, and in any other case, the Central Government:".

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For clause (2) substitute—

"(2) "High Court" means,—

(a) in relation to a Part A State, the High Court for that State;

(b) in relation to Ajmer, the High Court at Allahabad;

(c) in relation to Bhopal, the High Court at Nagpur;

(d) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(e) in relation to Coorg, the High Court of Madras;

(f) in relation to Kutch, the High Court at Bombay; and

(g) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta."

In clause (8) omit "Province or".

Section 4.—In sub-section (1) omit "and the Central Government for British subjects in any Indian State or group of Indian States," and in the Proviso for "Divisions" substitute "States".

Section 24.—Omit the proviso to sub-section (2).

Section 32-A.—Renumber section 32-A as sub-section (1) of that section, in the said section as so renumbered for "the commencement of Part III of the Government of India Act, 1935," substitute "the 26th day of January, 1950" and to the said section add—

"(2) The amendments of this Act, which come into force on the 26th day of January, 1950, shall not affect any legal proceeding arising out of the application of this Act to any person in a Part B State and pending in any Court on the said date or the administration of any property or estate of any such person which was immediately before that date vested in an official trustee under this Act, and the provisions of this Act shall, notwithstanding the said amendments, continue to apply, with necessary modifications, in relation to such proceedings or such property or estate, as the case may be.".

The Administrator-General's Act, 1913.

(III of 1913)

Throughout this Act, except as otherwise expressly provided, for "Division" substitute "State."

Section 1.—For sub-section (2) substitute—

"(2) It extends to the whole of India except Part B States."

Section 2.—For clause (3) substitute—

"(3) 'Government' or 'the Government' means in relation to any Part A State, the State Government, and, in any other case, the Central Government;"

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For clause (*12*) substitute—

"(12) "High Court" means,—

(*a*) in relation to a Part A State, the High Court for that State;

(*b*) in relation to Ajmer, the High Court at Allahabad;

(*c*) in relation to Bhopal, the High Court at Nagpur;

(*d*) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(*e*) in relation to Coorg, the High Court at Madras;

(*f*) in relation to Kutch, the High Court at Bombay; and

(*g*) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta.

In clause (*13*) omit "Province or".

Section 3.—In sub-section (*1*) omit "and the Central Government for British subjects in any Indian State or group of Indian States" and in the proviso to the sub-section for "Divisions" substitute "States".

Section 38.—For "the Provinces" where it occurs for the first time substitute "a Part A State or a Part C State" and where it occurs for the second time substitute "India or in a Part B State".

Section 57.—For "the Provinces" where it occurs for the first time substitute "the territories comprised within Part A States and Part C States" and where it occurs for the second time substitute "the said territories".

Section 59A.—Renumber section 59A as sub-section (*1*) of that section, in the said section, as so renumbered for "the commencement of Part III of the Government of India Act, 1935," substitute "the 26th day of January, 1950" and to the said section add—

"(*2*) The amendments of this Act, which come into force on the 26th day of January, 1950, shall not affect any legal proceeding arising out of the application of this Act to any person in a Part B State and pending in any Court on the said date, or the administration of any property or estate of any such person which was immediately before that date in the hands of any Administrator-General under this Act, and the provisions of this Act shall, notwithstanding the said amendments, continue to apply, with necessary modifications, in relation to such proceedings or such property or estate, as the case may be."

The Sir Currimbhoy Ebrahim Baronetcy Act, 1913.

(IV of 1913)

Section 30.—For "the King's Most Excellent Majesty, his heirs and successors" substitute "the Government".

The Indian Companies Act, 1913.

(VII of 1913)

Throughout this Act after "Act of Parliament" insert "of the United Kingdom".

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Section 1.—For sub-section (*3*) substitute—

"(*3*) It extends to the whole of India except Part B States."

Section 2.—After clause (*16*) insert—

"(*16A*) 'State' means a Part A State or a Part C State, and 'States' means all the territories for the time being comprised within Part A States and Part C States : ".

In clause (*17*) for "Item 33" substitute "entries 43 and 44" and for "the Government of India Act, 1935," substitute "the Constitution".

Section 245.—For sub-section (*1*) substitute—

"(*1*) Any affidavit required to be sworn under the provisions or for the purposes of this Part may be sworn in India, or within the dominions of His Majesty, before any Court, Judge or person lawfully authorised to take and receive affidavits, or elsewhere before an Indian Consul or Vice-Consul.".

The Destructive Insects and Pests Act, 1914.

(II of 1914)

Long Title.—For "the Provinces of India" substitute "Part A States and Part C States".

Preamble.—For "the Provinces of India" substitute "the territories comprised within Part A States and Part C States (hereinafter in this Act referred to as the said territories)".

Section 2.—After clause (*c*) add—

"(*d*) "State" means a Part A State or a Part C State.".

Section 3.—For "the Provinces" substitute "the said territories".

Section 4C.—For "the territories of any Indian State" substitute "any Part B State" and for "the Provinces" substitute "the said territories".

Section 4D.—For "the Central Legislature" substitute "Parliament".

The Indian Copyright Act, 1914.

(III of 1914)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—In clause (*1*) after "Act of Parliament" insert "of the United Kingdom" and after clause (*2*) add—

"(*3*) 'States' means all the territories for the time being comprised within Part A States and Part C States.".

Section 3.—In clause (*2*) after "Parliament" insert "of the United Kingdom".

The Local Authorities Loans Act, 1914.

(IX of 1914)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States".

The Sir Jamsetjee Jejeebhoy Baronetcy Act, 1915.

(X of 1915)

Section 30.—For "the King's Most Excellent Majesty, His heirs and successors" substitute "the Government".

The Benares Hindu University Act 1915.

(XVI of 1915)

Section 5.—For "The Governor-General of India for the time being" substitute "The President".

Section 16.—For "an Act of the Central Legislature" substitute "a Central Act".

Schedule I.—In sub-section (*2*) of section 17 for "the United Provinces of Agra and Oudh" substitute "Uttar Pradesh".

The Indian Medical Degrees Act, 1916.

(VII of 1916)

Section 2.—Add the following at the end—

"and "States" means all the territories for the time being comprised within Part A States and Part C States".

Schedule.—In item 1 for "an Act of the Central Legislature" substitute "Central Act".

The Hindu Disposition of Property Act, 1916.

(XV of 1916)

Section 1.—In sub-section (*2*) for "all the Provinces of India except" substitute "The whole of India except Part B States and".

The Inland Steam-vessels Act, 1917.

(I of 1917)

Section 1.—In sub-section (*2*) for "Provinces of India except the territories administered by the Governor of Fort St. George in Council" substitute "territories which on the 15th August, 1947, were comprised in the Provinces of India except the Province of Madras and that part of Orissa which on the 31st March 1936, was included in the Province of Madras".

In sub-section (*3*) for "the territories" substitute "the excepted territories".

Section 2.—In clause (*2*) omit "in the Provinces".

Section 40.—For "the Provinces" where it occurs for the first time substitute "the territories to which this Act extends" and where it occurs for the second time substitute "such territories".

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Section 69.—Omit "His Majesty or the Central Government or any Provincial".

The Destruction of Records Act, 1917.

(V of 1917)

To section 1 add—

"It extends to the whole of India except Part B States".

The Transfer of Property (Validating) Act, 1917.

(XXVI of 1917)

Section 1.—In sub-section (2) omit "of Agra and Oudh" and for "the Provincial Government of any Province" substitute "the Government of any other Part A State or of a Part C State".

The Indian Companies (Foreign Interests) Act, 1918.

(XX of 1918)

Long title and Preamble.—For "the Governor-General in Council" substitute "the Central Government".

Section 2.—In sub-section (1) for clause (*a*) substitute—

"(*a*) the expression "Commonwealth citizen" has the same meaning as in section 1 of the British Nationality Act, 1948, but shall include any association incorporated in any part of the Commonwealth, including India.";

and in clause (*b*) for "British subjects" substitute "Commonwealth citizens".

The Bronze Coin (Legal Tender) Act, 1918.

(XXII of 1918)

Long Title, Peramble and Section 2.—For "the Provinces" substitute "Part A States and Part C States".

Section 2.—In sub-section (2) for "Queen's coin" substitute "Indian coin".

The Cotton Cloth Act, 1918.

(XXIII of 1918)

To section 1 add—

"It extends to the whole of India execpt Part B States".

The Local Authorities Pensions and Gratuities Act, 1919.

(I of 1919)

Section 1.—For sub-section (2) substitute—

"(2) It extends to the whole of India except Part B States".

Section 4.—In sub-section (1) "His Majesty in Council" shall stand unmodified.

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The Poisons Act, 1919.

(XII of 1919)

Section 1.—For sub-section (2) substitute—

"(2) It extends to the whole of India except Part B States".

The United Provinces Town Improvement (Appeals) Act, 1920.

(III of 1920)

Section 2.—For clause (1) substitute—

"(1) 'High Court' means the High Court of Judicature at Allahabad".

The Provincial Insolvency Act, 1920.

(V of 1920)

Long title and Preamble.—Omit "in the Provinces of India".

Section 1.—In sub-section (2) for "all the Provinces of India except" substitute "the whole of India except Part B States and".

Section 6.—In clauses (*a*), (*b*) and (*c*), for "the Provinces" substitute "India" and in clause (*d*) for "the Provinces" substitute "Part A States and Part C States".

The Indian Securities Act, 1920.

(X of 1920)

Section 2.—In clause (*a*) for "any Provincial Government" substitute "the Government of any Part A States".

Section 4.—In sub-section (4), for "the Provinces" substitute "India".

Section 7.—Omit "Acceding State or other".

Section 13.—In the *Explanation* to sub-section (2) for "an Acceding State or other Indian State" substitute "a Part B State".

Section 26.—For "of the Provinces of India" substitute "in force in Part A States and Part C States".

The Indian Red Cross Society Act, 1920.

(XV of 1920)

Section 1.—For sub-section (2) substitute—

"(2) It extends to the whole of India except Part B States".

Section 8.—For "Provinces, States and other parts of India" substitute "States" and for "Province, State or other Part of India" substitute "State".

First Schedule.—For "His Majesty's Forces" substitute "the Armed Forces of the Union".

The Indian Army (Suspension of Sentences) Act, 1920.

(XX of 1920)

Section 2.—In clause (*f*) omit "in India".

501

The Identification of Prisoners Act, 1920.

(XXXIII of 1920)

Section 1.—For sub-section (2) substitute—

"(2) It extends to the whole of India except Part B States".

The Indian Passport Act, 1920.

(XXXIV of 1920)

Section 1.—In sub-section (2) for "including the Sonthal Parganas and the district of Angul" substitute "excluding the State of Hyderabad".

Section 6.—For "the Provinces of India" substitute "Part A States and Part C States".

The Indian Election Offences and Inquiries Act, 1920.

(XXXIX of 1920)

Long title and Preamble.—After "Government of India Act, 1935" add "or the Constitution".

Section 4.—In clause (*b*) after "Government of India Act, 1935" insert "or to a House of Parliament or of a State Legislature under the Constitution".

In clause (*c*), after "Governor" insert "or by an election tribunal appointed by the Election Commission under the Constitution".

After clause (*d*) add—

"(*e*) 'Commissioners' including an election tribunal appointed by the Election Commission under the Constitution".

Section 13.—Omit the proviso.

Omit Section 15.

The Aligarh Muslim University Act, 1920.

(XL of 1920)

Section 7.—For "the Provinces" substitute "Part A States and Part C States".

Schedule.—In paragraph 1, clause (*i*) omit "of the Provinces of India" and for clause (*ii*) substitute—

"(*ii*) such Rajpramukhs of Part B States, and other persons as the Lord Rector may, of his own motion or on the recommendations of the Court, appoint".

The Imperial Bank of India Act, 1920.

(XLVII of 1920)

Section 5.—In sub-section (7) for "the Provinces of India" substitute "Part A States and Part C States".

Section 13A.—For "the Provinces of India or Pakistan" substitute "Part A States and Part C States of India or the Provinces of Pakistan".

Sections 23, 25 and 29.—Omit "the Provinces of".

502

Schedule I.—In clause (*a*) in sub-clause (*i*) after "Act of Parliament" insert "of the United Kingdom" and in sub-clause (*iii*) after "Central Act" insert "or an Act of the Legislature of a Part A State" and for "of any State which has acceded to India or Pakistan or of any other Indian State" substitute "of a Part B State or of a State which has acceded to Pakistan" and in sub-clause (*vi*) for "any Provincial Government in India" substitute "the Government of any Part A State in India"; and "any Provincial Government in Pakistan" shall stand unmodified.

Schedule II—Regulations 39 and 61.—Omit "any Province of".

The Auxiliary Force Act, 1920.

(XLIX of 1920)

This Act shall stand repealed.

The Legislative Assembly (Deputy President's Salary) Act, 1921.

(II of 1921)

This Act shall stand repealed.

The Enemy Missions Act, 1921.

(IX of 1921)

Preamble.—For "the Provinces" substitute "Part A States and Part C States".

The Cattle Trespass (Amendment) Act, 1921.

(XVII of 1921)

Section 1.—In sub-section (*3*) for "Province" substitute "Part A State or Part C State".

The Maintenance Orders Enforcement Act, 1921.

(XVIII of 1921)

Long title and Preamble.—For "the Provinces of India" substitute "Part A States and Part C States", for "in other parts of" substitute "in Part B States or in", and omit "Acceding States and other Indian States".

Section 1.—For sub-section (*2*) substitute—

"(2) It extends to the whole of India except Part B States".

Section 2.—In the definition of "reciprocating territory" omit the words "outside India" and after the said definition insert "'States' means the States to which this Act extends".

Section 3.—In sub-section (*2*) for "Acceding State or other Indian State" substitute "Part B State".

The Indian Emigration Act, 1922.

(VII of 1922)

Sections 10, 13, 21 and 30A.—For "the Central Legislature" substitute "Parliament", and in section 10, for "that Legislature" substitute "Parliament".

503

The Indian Income-tax Act, 1922.

(XI of 1922)

Throughout the Act, for "British India" substitute "the taxable territories".

Section 1.—For sub-section (*2*), substitute—

"(*2*) It extends to all Part A States and Part C States, and applies also, within Part B States,—

(*a*) to all servants of the Government of India or of a Part A State; and

(*b*) to all citizens of India domiciled in a Part A State or a Part C State who are in the service of a local authority established in the exercise of the powers of the Central Government in that behalf.".

Section 2.—Omit clauses (3A) and (8A).

After clause (14), insert—

"(14A). 'taxable territories' means—

(*i*) as respects any period before the 15th day of August, 1947, the territories then referred to as British India but including Berar,

(*ii*) as respects any period after the 14th day of August, 1947, and before the 26th day of January, 1950, the territories for the time being comprised in the Provinces of India, and

(*iii*) as respects any period on or after the 26th day of January, 1950, the territories for the time being comprised in Part A States and Part C States:

Provided that the taxable territories shall be deemed to include the merged territories—

(*i*) as respects any period, for the purposes of sections 4A and 4B,

(*ii*) as respects any period after the 31st March, 1949, for any of the purposes of this Act, and

(*iii*) as respects any period included in the previous year, for the purpose of making any assessment for the year ending on the 31st day of March, 1950, or for any subsequent year".

Section 3.—For "Act of the Central Legislature" substitute "Central Act".

Section 4.—*In Explanation 4* to sub-section (*1*) for "merged States" substitute "merged territories" and for "merged State" substitute "merged territory".

In clause (*x*) of sub-section (*3*) for sub-clause (*a*) substitute—

"(*a*) by the Ruler of an Indian State as his privy purse under article 291 of the Constitution;",

in sub-clause (*c*) for "British subject or the subject of an Indian State" substitute "citizen of India", and

in sub-clause (*d*) for "any other part of the British Empire" substitute "any part of the Commonwealth".

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In clause (*xi*) of sub-section (*3*) after "His Majesty's Forces" at both places insert "or, after the commencement of the Constitution, with the Armed Forces of the Union".

Section 7.—In sub-section (*2*) for "to a British subject or any servant of His Majesty in any part of India by or on behalf of the Crown" substitute "to a citizen of India domiciled in a Part A State or a Part C State or servant of the Government of India or of a Part A State in any part of India by or on behalf of the Government".

Section 15A.—For "Act of the Central Legislature" substitute "Central Act".

Section 15C.—In sub-section (*2*) for "any Province in India" substitute "any part of the taxable territories".

Section 17.—For "a British subject as defined in section 27 of the British Nationality and Status of Aliens Act, 1914, or a subject of a State in India or Burma or a native of a tribal area" substitute "a citizen of India or a British subject as defined in section 1 of the British Nationality Act, 1948".

Section 18.—In sub-section (*3A*) for "a British subject as defined in section 27 of the British Nationality and Status of Aliens Act, 1914, or a subject of a State in India or Burma" substitute "a citizen of India or a British subject as defined in section 1 of the British Nationality Act, 1948".

Section 24.—For "an Indian State" substitute "India, but outside the taxable territories".

Section 46.—In sub-section (*6*) for "section 124 (*1*) of the Government of India Act, 1935," substitute "article 258 (*1*) of the Constitution".

Section 54.—In sub-section (*3*) for clause (*e*) substitute—

"(*e*) of any such particulars as the Comptroller and Auditor-General of India for the purpose of enabling him to discharge his functions under the Constitution; or,".

In clause (*f*) for "Auditor-General of India" substitute "Comptroller and Auditor-General of India".

In clause (*g*) for "the Government of India Act, 1935," substitute "the Constitution".

In clause (*i*), omit "or of any Indian State" and for "British India" substitute "India".

In clause (*k*) for "Act of the Central Legislature" substitute "Central Act".

Section 55.—For "Act of the Central Legislature" substitute "a Central Act".

Section 58C.—In the proviso to clause (*b*) of sub-section (*1*) for "His Majesty's Forces" substitute "the Armed Forces of the Union".

Section 60A.—For "merged States" substitute "merged territories".

Section 61.—In clause (*iv*) of sub-section (*2*) for "merged States" substitute "merged territories".

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Section 66.—For "His Majesty in Council" substitute "the Supreme Court".

For sub-section (8) substitute—

(8) For the purposes of this section, 'the High Court' means—

(*a*) in relation to any Part A State, the High Court for that State;

(*b*) in relation to Ajmer, the High Court at Allahabad;

(*c*) in relation to Bhopal, the High Court at Nagpur;

(*d*) in relation to Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(*e*) in relation to Coorg, the High Court at Madras;

(*f*) in relation to Kutch, the High Court at Bombay; and

(*g*) in relation to the Andaman and Nicobar Islands, the High Court at Calcutta.

Section 66A.—For "His Majesty in Council" substitute "the Supreme Court".

Omit sub-section (*5*).

Section 67B.—For "an Act of the Indian Legislature" substitute "a Central Act" and for "the Legislature" substitute "Parliament".

The Schedule.—In Rule 7 for "British Indian premium income of the previous year" substitute "premium income of the previous year derived from the taxable territories".

In Rule 8 for "British Indian branches" substitute "branches in the taxable territories" and for "British Indian premium income" substitute "premium income derived from the taxable territories".

The Ranchi Mental Hospital Act, 1922.

(XIII of 1922)

Throughout the Act omit word "European" wherever it occurs.

Sections 13 and 14.—Omit "His Majesty for the purposes of".

The Police (Incitement to Disaffection) Act, 1922.

(XXII of 1922)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 3.—Omit "His Majesty or".

The Indian States (Protection against Disaffection) Act, 1922.

Long title and Preamble.—For "Rulers of Acceding States and other Indian States or the Governments or administrations established in such States" substitute "the Governments of Part B States".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States".

Section 3.—In sub-section (*1*) for "the Ruler of any Acceding State or other Indian State or the Government or administration established in any such State" substitute "the Government of a Part B State".

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In sub-section (*2*) for "Ruler, Government or administration" substitute "Government".

The Cotton Transport Act, 1923.

(III of 1923)

Preamble.—Omit "in the Provinces.".

Section 8.—For "Chambers" substitute "Houses".

The Indian Mines Act, 1923.

(IV of 1923)

Section 1.—For sub-section (*2*) substitute:

"(*2*) It extends to the whole of India except Part B States.".

Section 3.—In clause (*i*), for "Act of the Central Legislature or of any Legislature in a Province of India" substitute "Central Act, Provincial Act or an Act of the Legislature of a Part A State".

Section 4.—For "all the Provinces of India" substitute "the territories to which this Act applies".

Section 10.—For "the Provinces" substitute "the territories to which this Act applies".

Section 31.—In sub-section (*3*) for "in the Provinces" substitute "under section 10" and

in sub-section (*3A*) for "the Provinces" substitute "the territories to which this Act applies".

The Indian Boilers Act, 1923.

(V of 1923)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 3.—In sub-section (*1*) for "His Majesty's Navy or the Royal Indian Navy" substitute "the Indian Navy".

Section 27A.—In sub-section (*2*) in clause (*c*) for the words "alternately by the Provincial Government of Delhi and the Provincial Government of Ajmer-Merwara" substitute "by the Central Government to represent Part C States".

The Cantonments (House Accommodation) Act, 1923.

(VI of 1923)

Section 2.—In clause (*g*) of sub-section (*1*) for "His Majesty's" substitute "the Indian" and omit "and includes a Chaplain on duty with troops in a cantonment".

Section 4.—For "Crown contract" substitute "contract with the Government".

Section 36.—In sub-section (*2*) omit "in the Provinces".

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The Indian Naval Armament Act, 1923.

(VII of 1923)

Long title and Preamble.—Omit "in the Provinces".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—After clause (*b*) insert—

"(*bb*) 'States' denotes all the territories for the time being comprised within Part A States and Part C States;".

Section 3.—In clause (*b*) for "in a State in India" substitute "of India" and omit "or State".

Section 6.—Omit "other", for "any State in India" substitute "of India" and omit "or State".

Section 7.—In clause (*b*) of sub-section (*1*) for "military, naval or air service of His Majesty" substitute "Armed Forces of the Union".

The Workmen's Compensation Act, 1923.

(VIII of 1923)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States".

Section 2.—In clause (*i*) of sub-section (*1*) for "Act of the Central Legislature or of any Legislature in a Province of India" substitute "Central Act, Provincial Act or an Act of the Legislature of a Part A State" and in sub-clause (*ii*) of clause (*n*) for "His Majesty's naval, military or air forces" substitute "the Armed Forces of the Union".

Section 15.—In sub-section (*3*) after "any part of" insert "India or", for "in a foreign country" substitute "in any other foreign country" and in sub-section (*4*) for "the Provinces" substitute "Part A States and Part C States".

Section 35.—For "the Provinces" substitute "a Part A State or Part C State".

The Cotton Cess Act, 1923.

(XIV of 1923)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—In clause (*a*) omit "in the Provinces".

Section 3.—In sub-section (*1*) for "Provinces" where it occurs for the first time substitute "territories comprised within Part A States and Part C States" and where it occurs for the second time substitute "said territories" and in sub-section (*2*) for "Provinces" substitute "territories comprised within Part A States and Part C States".

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Section 4.—For clause (*ix*) substitute—

"(*ix*) Seven persons nominated respectively by the Governments of the following Part B States, namely:—

Hyderabad, Madhya Bharat, Mysore, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin.".

The Official Secrets Act, 1923.

(XIX of 1923)

Long title.—Omit "in the Provinces".

Preamble.—Omit paragraphs 1 and 2 and in paragraph 3 omit "in the Provinces".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to Part A States and Part C States and elsewhere it applies also—

(*i*) to servants of the Central Government or the Government of a Part A State, and

(*ii*) to any citizen of India not being a person who immediately before the commencement of the Constitution was a subject of an Indian State".

Section 2.—After clause (*9*) insert—

"(9A) 'States' means all the territories for the time being comprised within Part A States and Part C States.".

Sections 7 and 8.—For "His Majesty's Forces" substitute "The Armed Forces of the Union".

The Indian Merchant Shipping Act, 1923.

(XXI of 1923)

Throughout the Act, save as otherwise expressly provided, for "the Provinces" or "the Provinces of India" substitute "India".

Section 2.—In sub-section (*1*) after clause (*3*) insert—

"(*3A*) 'Indian ship' means a ship registered in India whether before or after the commencement of the Constitution in accordance with the law for the time being in force relating to the registration of ships.".

After sub-section (*1*) insert—

"(*1A*) For the purposes of this Act, references to British ships shall be deemed to include references to Indian ships and the provisions of the Act shall apply accordingly."

Section 4.—After "belonging to" insert "the Government or" and omit "or any Acceding State or the Ruler thereof" and "or that Acceding State, as the case may be".

Section 17.—Omit "Royal".

Section 23.—For "British subject" substitute "citizen of India or a Commonwealth citizen".

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Section 37.—For " in His Majesty's dominions" substitute " in India or in any other Commonwealth country ", for " out of His Majesty's dominions" substitute " elsewhere ", for " a British consular officer " substitute " an Indian or British consular officer" and for " British merchants" substitute " Indian or British merchants ".

Section 51.—For " the currency of the Provinces of India" substitute " Indian currency ".

Section 74.—For " Indian subjects of His Majesty" and " Indian subjects" substitute " citizens of India " and after " His Majesty's ships" insert " or any of the ships of the Government ".

Section 75.—After " some ship belonging to" insert " any citizen of India or" and for " Indian subjects of His Majesty" substitute " citizens of India ".

Section 78.—For " Indian subjects of His Majesty " substitute " citizens of India ".

Section 82.—For " an Indian subject of His Majesty " substitute " a citizen of India ".

Section 98.—For " His Majesty's service" substitute " the service of the Government ".

Section 112.—In clause (*ii*) of sub-section (*1*) after " His Majesty's ships" insert " or any ships belonging to Government ".

Section 121.—After " His Majesty's Naval service" insert " or the Indian Naval Service ".

Section 125.—After " the Government" insert " of India or ".

Section 144.—In the proviso before " His Majesty has" insert—

" the Government of India has by notification in the official Gazette directed that this sub-section shall not apply ; or"

Section 147.—For Sub-section (*1*) substitute—

" (*1*) This Part applies—

(*a*) to all citizens of India wherever they may be ; and

(*b*) to all Commonwealth citizens for the time being in India.".

Sections 171, 181 and 197.—After " on behalf of " insert " the Government of India or ".

Sections 208C and 209A.—For " His Majesty's Representative" substitute " the Representative of the Government of India ".

Section 209.—Omit " His Majesty for the purposes of ".

Section 283.—Omit " of India" and for " any other Province or in any part of His Majesty's Dominions or before any British Consular Officer" substitute " any other part of India or in any part of a Commonwealth country or before any Indian or British consular officer ".

Section 284.—Omit " Royal ".

The Malkharoda and Gaontia Villages Laws Act, 1923.

(XXII of 1923)

Section 2.—Omit "made by any authority in the Provinces, and all".

The Legal Practitioners (Women) Act, 1923.

(XXIII of 1923)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 3.—For "the Provinces" substitute "Part A States and Part C States".

The Mahendra Pratab Singh Estates Act, 1923.

(XXIV of 1923)

Preamble.—For "the Provinces" substitute "India".

Section 2.—For "the Provinces" substitute "Part A States and Part C States".

The Mussalman Wakf Act, 1923.

(XLII of 1923)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Sections 6 and 12.—For "Provinces" substitute "territories to which this Act applies".

The Cantonments Act, 1924.

(II of 1924)

Throughout the Act for "the Crown in India" substitute "Government".

Section 2.—In clause (*xxi*) omit "the Army Act or" and "or the Air Force Act" and for "His Majesty's" substitute "the Indian".

Section 3.—In sub-section (*1*) for "His Majesty's regular forces or regular Air Force" substitute "the Indian Army or the Indian Air Force".

Section 27.—In clause (*b*) of sub-section (*1*)—

in sub-clause (*iii*) omit "in the Provinces";

in sub-clause (*iv*) for "the Central or Provincial Legislatures" substitute "Parliament or Legislature of a State"; and

in sub-clause (*v*) for "His Majesty's forces" substitute "the Armed Forces of the Union".

In sub-section (*2*) for sub-clause (*i*) substitute—

"(*i*) is not a citizen of India;".

Section 176.—Omit "in the Provinces".

Section 239. For "His Majesty's forces" substitute "the Armed Forces of the Union".

The Criminal Tribes Act, 1924.

(VI of 1924)

Section 25.—For "the Provinces" substitute "a Part A State or a Part C State".

Section 28.—For "Provincial Government" substitute "Government of a Part A State or Part C State", for "State in India" substitute "Part B State", for "Prince or Chief of that State" substitute "Government of such

Part B State" and for "in the Province" substitute "in the Part A State or Part C State" and omit the proviso to the section.

Schedule I.—In sections 232, 234, 240 and 243 for "Queen's coin" substitute "Indian coin".

The Indian (Specified Instruments) Stamp Act, 1924.

(XIII of 1924)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—For "the Provinces" substitute "the territories comprised within Part A States and Part C States".

The Land Customs Act, 1924.

(XIX of 1924)

Long Title and Preamble.—Omit "the Provinces of".

Section 2.—In clause (*b*) for " section 124 (*1*) of the Government of India Act, 1935," substitute "article 258 (*1*) of the Constitution" and in clause (*e*) for "the Provinces" substitute "the territories comprised within Part A States and Part C States".

Section 7.—In sub-section (*2*) for "the Provinces" substitute "Part A States and Part C States".

The Indian Soldiers (Litigation) Act, 1925.

(IV of 1925)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 3.—In clause (*a*) for the words beginning with "in Persia" and ending with "nearest railway station" substitute "beyond India".

Section 14A.—For "of any Acceding State or of all Acceding States" substitute "maintained by any Part B State".

The Legislative Assembly (President's Salary) Act, 1925.

(VI of 1925)

This Act shall stand repealed.

The Cotton Ginning and Pressing Factories Act, 1925.

(XII of 1925)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 12.—For "the Provinces" substitute "Part A States and Part C States".

The Provident Funds Act, 1925. 512

(XIX of 1925)

Section 2.—In sub-clause (*i*) of clause (*f*) for "the Provinces" substitute "a Part A State or a Part C State"; and after "Act of Parliament" insert "of the United Kingdom".

Section 8.—In clause (*a*) of sub-section (*4*) for "the Government of India Act, 1935," substitute "the Constitution".

The Salt Law Amendment Act, 1925.

(XXII of 1925)

Section 1.—For "the Provinces" substitute "Part A States and Part C States".

The Indian Carriage of Goods by Sea Act, 1925.

(XXVI of 1925)

Throughout this Act for "the Provinces" substitute "India".

Section 1.—In sub-section (*2*) for "all the Provinces of India" substitute "the whole of India".

The Coal Grading Board Act, 1925.

(XXXI of 1925)

Section 2.—In clause (*b*) for "a Province of India" substitute "a Part A State or a Part C State".

The Indian Succession Act, 1925.

(XXXIX of 1925)

Long title and Preamble.—Omit "in the Provinces of India"

Section 2.—For clause (*g*) substitute—

"(*g*) 'State' means the whole or any division of a Part A State or a Part C States having a Court of the last resort; and 'States' means all the territories for time being comprised within Part A States and Part C States".

Section 10.—In the *Explanation* for "His Majesty's civil, military, naval or air-force service" substitute "the civil, military, naval or air-force service of Government".

Section 228.—For "His Majesty's dominions" substitute "India".

Section 273.—In the proviso omit "of India".

Section 370.—In clause (*b*) of sub-section (*2*) after the word "Parliament" insert "of the United Kingdom".

Section 380.—In the first paragraph omit "of India".

Section 382.—For "an Acceding State or the State of Hyderabad" substitute "a Part B State".

In Schedule IV omit "of India".

The Government Trading Taxation Act, 1926. 513

(III of 1926)

Throughout the Act "any Acceding State or other Indian State" shall stand unmodified.

Long title and Preamble.—Omit "in the Provinces of India" and "exclusive of India".

Section 2.—In sub-section (*1*) omit "exclusive of India" and for "in the Provinces" substitute "in Part A States and Part C States".

After section 2 add—

Application of the Act to existing liability of Acceding or other Indian States.

"3. Where any Acceding State or other Indian State was liable for any tax under this Act in respect of any period before the 26th day of January, 1950, and such liability has, after that date, devolved upon an acceding State or other Indian State, the provisions of section 2 shall apply in relation to that Part B State as they applied in relation to the corresponding Acceding State or other Indian State."

The Indian Naturalization Act, 1926.

(VII of 1926)

This Act shall stand repealed.

The Promissory Notes (Stamp) Act, 1926.

(XI of 1926)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Contempt of Courts Act, 1926.

(XII of 1926)

Section 2.—In sub-section (*1*) for the words beginning with "the High Courts of Judicature" and ending with "the Government of India Act, 1935," substitute "the High Courts for Part A States".

The Indian Trade Unions Act, 1926.

(XVI of 1926)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States."

Section 16.—After "the Government of India Act, 1935," insert "or the Constitution".

Section 28A.—For "Federal Railway" substitute "Railway Administration".

The Cotton Industry (Statistics) Act, 1926.

(XX of 1926)

Long title and Preamble.—For "the Provinces of" substitute "certain parts".

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The Indian Bar Councils Act, 1926.

(XXXVIII of 1926)

Long title and Preamble.—Omit "in the Provinces of India".

Section 14.—Omit "in the Provinces".

The Indian Forest Act, 1927.

(XVI of 1927)

Section 1.—In sub-section (*3*) omit "Provincial" and for "Province" substitute "Part A State or Part C State".

Section 39.—For "the Provinces" substitute "Part A States and Part C States".

In sub-section (*4*) for "the Central Legislature" substitute "Parliament" and for "Prat III of the Government of India Act, 1935," substitute "the Constitution".

Sections 41A and 75.—For "the Provinces" substitute "Part A States and Part C States".

For section 85A substitute—

"85A. Nothing in this Act shall authorise a Government of any State to make any order or do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.".

Saving for rights of Central Government.

The Indian Lighthouse Act, 1927.

(XVII of 1927)

Long title and Preamble.—Omit "the Provinces".

Elsewhere in the Act for "the Provinces" substitute "India".

The Hindu Inheritance (Removal of Disabilities) Act, 1928.

(XII of 1928)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Hindu Law of Inheritance (Amendment) Act, 1929.

(II of 1929)

Section 1.—In sub-section (*2*) for "all the Provinces of India, including the Santhal Parganas" substitute "the whole of India except Part B States".

The Child Marriage Restraint Act, 1929.

(XIX of 1929)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States; and it applies also to all citizens of India without and beyond India.",

The Dangerous Drugs Act, 1930.

(II of 1930)

Long title and Preamble.—Omit "throughout the Provinces of India".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States."

Section 2.—For clause (*ll*) substitute—

"(*ll*) 'States' means the territories to which this Act extends".

Section 39.—For "enactment of a local or Provincial Legislature" substitute "Provincial Act or an Act of the Legislature of a Part A State or Part C State".

Schedule I.—For "His Majesty the King" substitute "the Government".

The Indian Sale of Goods Act, 1930.

(III of 1930)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States."

The Indian Companies (Amendment) Act, 1930.

(XIX of 1930)

Section 3.—In sub-section (*1*) and clause (*a*) of the second proviso for "the Provinces" substitute "Part A States and Part C States".

In sub-section (*2*) for "Item 33" substitute "entries 43 and 44" and for "Government of India Act, 1935," substitute "Constitution".

The Indian Lac Cess Act, 1930.

(XXIV of 1930)

Section 3.—After "customs-port" insert "in a Part A State or a Part C State" and for "the Provinces" substitute "India".

Section 4.—In sub-section (*8*) for "the Provinces" substitute "India".

Section 7.—Omit "His Majesty for the purposes of".

The Provisional Collection of Taxes Act, 1931.

(XVI of 1931)

Sections 3 and 4.—For "the Central Legislature" substitute "Parliament".

The Indian Press (Emergency Powers) Act, 1931.

(XXIII of 1931)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—After clause (*8*) insert—

"(*8a*) 'States' means the territories for the time being comprised within Part A States and Part C States.".

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Section 4.—In sub-section (*1*)—

in clause (*c*) for "His Majesty" substitute "the Union";

in clause (*d*) omit "His Majesty or" and for "His Majesty's subjects" substitute "the citizens of India";

in clause (*h*) for "His Majesty's subjects" substitute "citizens of India"; and

in clause (*i*) for "His Majesty's forces" substitute "the Armed Forces of the Union".

The Bengal Criminal Law Amendment (Supplementary) Act, 1932.

(VIII of 1932)

Section 2.—For "any Province" substitute "any Part A State or Part C State"

The Indian Partnership Act, 1932.

(IX of 1932)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 58.—In sub-section (*3*) omit "the Crown or the Central Government or any Provincial".

Section 69.—In sub-section (*4*) for "the Provinces" where it occurs for the first time substitute "Part A States and Part C States" and where it occurs for the second time substitute "such States".

The Public Suits Validation Act, 1932.

(XI of 1932)

Section 1.—In sub-section (*2*) for "the Provinces" substitute "Part A States and Part C States".

The Foreign Regulations Act, 1932.

(XII of 1932)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Sugar Industry (Protection) Act, 1932.

(XIII of 1932)

Long title and Preamble.—Omit "in the Provinces of India".

Section 3.—For "the Central Legislature" substitute "Parliament".

Sections 4 and 5.—For "the Provinces" substitute "Part A States and Part C States".

The Indian Air Force Act, 1932.

(XIV of 1932)

Throughout the Act for "the Air Officer Commanding, His Majesty's Air Forces in India" substitute "the Commander-in-Chief, Indian Air Forces"

Section 6.—In clause (*4*) after "officer of" insert "the Regular Army, the Indian Navy or the Indian Air Force or of".

In clause (*7*) after "officer of" insert "the Regular Army or the Indian Navy or of".

In clause (*12*) for "His Majesty's military and air forces" substitute "the Regular Army or the Indian Air Force".

In clauses (*15*) and (*18*) for "the Provinces" substitute "a Part A State or a Part C State".

After section 6 insert—

"6A. *Application of Act to existing personnel.*—(*1*) All persons who, immediately before the commencement of the Constitution, were subject to this Act as then in force, shall be deemed to be part of the Indian Air Force and shall be under the same obligations to serve the Union as they were under to serve His Majesty; and all such persons shall continue to be subject to this Act and all other Acts, Ordinances, Regulations and provisions relating to the Indian Air Force for the time being in force.

(*2*) Every person being a citizen of India who, immediately before the commencement of the Constitution, was subject to this Act as then in force as an officer of the Indian Air Force or as a warrant officer shall, as from such commencement, be deemed to have been commissioned or appointed as an officer of the Indian Air Force or as a warrant officer, as the case may be, in the Indian Air Force and shall thereafter be subject to this Act accordingly.

(*3*) Every person who, immediately before the commencement of the Constitution, was subject to this Act as then in force as a person attested or enrolled in the Indian Air Force shall, as from such commencement, be deemed to have been attested or enrolled, as the case may be, in the Indian Air Force, and shall thereafter be subject to this Act accordingly.".

For section 9 substitute—

"9. *Conditions for enrolment.*—Except as otherwise prescribed, the enrolling officer shall not cause any person to sign the enrolment paper unless he is satisfied that such person is a citizen of India.".

Section 12.—For "be faithful to His Majesty, his heirs and successors" substitute "bear true faith and allegiance to the Constitution of India as by law established".

Section 31.—In clause (*f*) for "His Majesty's Forces" substitute "the Forces of the Union" and in clause (*g*) for "any of His Majesty's aircraft" substitute "any aircraft belonging to Government".

Section 32.—In clause (*c*) for "His Majesty's service" substitute "his service" and in clause (*g*) for "any of His Majesty's aircraft" substitute "any aircraft belonging to Government".

Section 35.—In clause (*a*) for "any of His Majesty's naval, military or air forces" substitute "the Regular Army, the Indian Navy or the Indian Air Force".

Section 40.—For "any other of His Majesty's air forces, or any of His Majesty's military or naval forces" substitute "any of the Indian military or naval forces".

Section 54.—In clauses (*a*) and (*d*) for "any of His Majesty's aircraft or aircraft material" substitute "any aircraft or aircraft material belonging to Government" and in clause (*f*) for "any of His Majesty's aircraft" substitute "any aircraft belonging to Government".

Section 57.—For "the Army Act, the Naval Discipline Act or that Act as modified by the Indian Navy (Discipline) Act, 1934, the Air Force Act or the Indian Army Act, 1911," substitute "the Indian Navy (Discipline) Act, 1934, or the Indian Army Act, 1911,".

Section 58.—In sub-section (*1*) for "the Provinces" where those words occur for the first time substitute "India," in the proviso to the Sub-section omit "or at any place in which the Central Government or the Crown Representative exercises powers and jurisdiction by virtue of the Government of India Act, 1935, or of any Order-in-Council made under the Foreign Jurisdiction Act, 1890," and to the sub-section add—

"*Explanation.*—In this sub-section the term 'States' does not include Part B States.".

Section 78.—For "His Majesty's regular forces" substitute "the Forces of the Union" and in the *Explanation* for "His Majesty" substitute "the Government of India".

Section 90.—In sub-section (*3*) for "any Indian State or tribal area" substitute "a Part B State".

In sub-section (*5*) for "official subordinate to him" substitute "magistrate" and for "the Provinces" substitute "a Part A State".

Section 96.—In sub-sections (*1*) and (*5*) for "any portion of His Majesty's forces" wherever they occur substitute "any portion of His Majesty's forces before the 26th day of January, 1950, or of the forces of the Union thereafter" and in sub-section (*5*) for "that portion of His Majesty's forces" substitute "that portion of His Majesty's forces or, as the case may be, the forces of the Union".

Section 118.—For "within the Provinces or not" substitute "within a Part A State or Part C State or elsewhere" and for "in the Provinces" substitute "in a Part A State or Part C State".

Section 119.—In sub-section (*2*) for "within the Provinces or not" substitute "within a Part A State or Part C State or elsewhere".

Section 119A.—For "the Provinces" substitute "Part A States".

The Port Haj Committees Act, 1932.

(XX of 1932)

Section 1.—In sub-section (*2*) add "other than a Part B State".

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Section 2.—For "the Provinces" substitute "a Part A State or a Part C State".

Section 4.—For "the Central Legislature" substitute "Parliament" and for "Chambers" substitute "Houses".

The Tea Districts Emigrant Labour Act, 1932.

(XXII of 1932)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—In clause (*c*) for "any Province" substitute "any Part A State or any Part C State";

in clause (*f*) for "any Province of India" substitute "any Part A State or Part C State".

The Criminal Law Amendment Act, 1932.

(XXIII of 1932)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States."

The Children (Pledging of Labour) Act, 1933.

(II of 1933)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Indian Finance Act, 1933.

(VII of 1933)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Indian Wireless Telegraphy Act, 1933.

(XVII of 1933)

Section 1.—In sub-section (*2*) at the end add "except the State of Hyderabad".

The Murshidabad Estate Administration Act, 1933.

(XXIII of 1933)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Indian Medical Council Act, 1933. 520

(XXVII of 1933)

Section 2.—In clause (*f*) for "an Act of a Local or Provincial Legislature" substitute "a Provincial Act or Act of the Legislature of a Part A State or Part C State" and after clause (*h*) insert clause (*i*)—

"(*i*) 'States' means the territories for the time being comprised in Part A States and Part C States.".

Section 11.—Omit "of India".

The First Schedule and the Second Schedule.—Omit "of India" in the headings.

The Reserve Bank of India Act, 1934.

(II of 1934)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—After clause (*e*) insert clause (*ee*)—

"(*ee*) 'States' means the territories for the time being comprised in Part A States and Part C States.".

Section 10.—Omit the words "or a salaried official of a State in India".

Section 11.—In sub-section (*5*) for "the Central Legislature, a Provincial Legislature or the Coorg Legislative Council" substitute "Parliament or the Legislature of a Part A State or a Part C State" and for "any such Legislature or Council" substitute "Parliament or any such Legislature".

Section 17.—For "States in India" substitute "Part B States" and in clause (*a*) of sub-section (*4*) after "Act of Parliament" insert "of the United Kingdom".

Section 20.—Omit "the Secretary of State" and for "States in India" substitute "Part B States".

Section 21.—For "the Central Legislature" substitute "Parliament".

Sections 28 and 30.—For "the Central Legislature" substitute "Parliament".

Section 45.—In sub-section (*2*) for "the Central Legislature" substitute "Parliament" and in sub-section (*3*) for "Provincial Governments" substitute "Governments of Part A States".

For the First Schedule substitute—

"1. The Western Area shall consist of the States of Bombay, Madhya Pradesh, Hyderabad, Saurashtra, Cutch, Madhya Bharat and Bhopal.

2. The Eastern Area shall consist of the States of West Bengal, Bihar, Orissa, Assam, the Andaman and Nicobar Islands, Manipur, Vindhya Pradesh and Tripura.

3. The Northern Area shall consist of the States of Uttar Pradesh, Punjab, Delhi, Ajmer, Kashmir, Himachal Pradesh, Patiala and the East Punjab States Union, Bilaspur and Rajasthan.

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4. The Southern Area shall consist of the States of Madras, Coorg, Mysore and Travancore-Cochin."

The Khaddar (Name Protection) Act, 1934.

(VIII of 1934)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Indian States (Protection) Act, 1934.

(IX of 1934)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Indian Finance Act, 1934

(XI of 1934)

Throughout the Act, except as otherwise provided, for "the Provinces" substitute "Part A States and Part C States".

Long title and Preamble.—For "States which have acceded to the Dominion of India" substitute "Part B States".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Sugar-cane Act, 1934.

(XV of 1934)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Indian Dock Labourers Act, 1934.

(XIX of 1934)

Long title and Preamble.—Omit "in the Provinces of India".

The Indian Carriage by Air Act, 1934.

(XX of 1934)

Long title and Preamble.—Omit "in the Provinces of India"; and in the Preamble for "the Provinces of India" where it occurs for the first time substitute "India".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States."

Sections 2 and 3.—For "the Provinces" substitute "Part A States and Part C States".

The Indian Aircraft Act, 1934. 522

(XXII of 1934)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the State of Hyderabad and applies also—

(*a*) to citizens of India wherever they may be; and

(*b*) to, and to the persons on aircraft registered in India wherever they may be.".

Section 5.—In sub-section (*3*) for "the Central Legislature" substitute "Parliament" and for "that Legislature" substitute "Parliament".

Section 19.—For "His Majesty's naval, military or air forces" substitute "the naval, military or air forces of the Union".

The Petroleum Act, 1934.

(XXX of 1934)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States."

Section 2.—After clause (*h*) insert—

(*i*) 'States' means the territories for the time being comprised in Part A States and Part C States.".

The Indian Tariff Act, 1934.

(XXXII of 1934)

Preamble.—For "imported into or exported from the Provinces" substitute "imported or exported".

Section 2.—For "the Provinces" substitute "a Part A State or a Part C State".

Section 5.—For "the Provinces" where it occurs for the first time substitute "a Part A State or a Part C State"; and where it occurs for the second time substitute "Part A States and Part C States".

Section 6.—For "the Provinces" substitute "a Part A State or a Part C State".

Section 9.—In sub-section (*1*) for "the Provinces" substitute "Part A States and Part C States".

In sub-section (*2*) for "the Provinces" substitute "India".

First Schedule.—For "the Provinces" wherever it occurs substitute "Part A States and Part C States".

Section II, Item 12 (1).—For "the territories of any Prince or Chief in India" substitute "any Part B State".

Section V, Item 25 (2).—For "Bengal" substitute "West Bengal".

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Section XVII, Items 74(2) and 74(4).—In the provisos for "State in India" substitute "Part B State".

Section XIX.—In item 80(3) in clause (*a*) for "His Majesty's" substitute "Government" and omit "Royal".

in clause (*b*) for "His Majesty's" substitute "the Indian",

in clause (*d*) for "military forces of a State in India" substitute "military forces maintained by a Part B State",

in clause (*e*) omit "British and".

The Indian Navy (Discipline) Act, 1934.

(XXXIV of 1934)

Long title.—For "the application of the Naval Discipline Act to" substitute "the government of".

For the preamble substitute—

"WHEREAS it is expedient to provide for the government of the Indian Navy;

It is hereby enacted as follows:—".

Omit sections 2 and 3.

Omit the portion beginning with the heading "THE FIRST SCHEDULE" and ending with "in this present Parliament assembled, and by the authority of the same, as follows:".

The sections in the First Schedule shall be sections of the Act subject to the following modifications:—

Throughout the First Schedule, except as hereinafter expressly provided for "His Majesty's service" substitute "the Naval service" and for "the Officer Commanding the Indian Navy" substitute "the Commander-in-Chief, Indian Navy".

Renumber section 1 as 1A.

Sections 12 and 13.—For "His Majesty" substitute "the Union".

Section 21.—For "His Majesty's" where those words occur for the first, second and third time substitute "the Indian".

Sections 25 and 26.—Omit "or before any person or persons or court, exercising like authority in any part of His Majesty's dominions,".

Section 29.—For "in His Majesty's service" where those words occur for the first time substitute "in the service of Government" and for "His Majesty or in His Majesty's service" substitute "the Indian Navy or in the service of Government".

Section 46.—For "His Majesty's dockyards" substitute "the dockyards" and after "factory yards" insert "belonging to Government".

Section 53A.—Omit "other than a European or American".

Section 56.—In clause (*c*) of sub-section (3) omit "or such of those persons as are not for the time being made subject to military law by an order under section one hundred and seventy-nine of the Army Act, 1881,".

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Section 58.—In regulation (*16*) for "His Majesty's" substitute "Government".

For section 65 substitute—

"65. *Power to Central Government to make general orders for practice of courts-martial.*—(1) The Central Government may from time to time frame general orders for altering and regulating the procedure and practice of courts-martial under this Act.

(*2*) All general orders regulating the procedure and practice of courts-martial under this Act in force before the commencement of the Constitution shall be deemed to have been framed under this Act.".

Section 66.—For "then by any judge of the Superior Courts of Westminster or Dublin, or the Court of Session of Scotland, or of the courts of law in the East or West Indies or elsewhere, according as the case shall require," substitute "then by any other court competent to exercise the jurisdiction of such court,", for "such court or judge" substitute "such court" and for "liable to be attached in the Court of Queen's Bench in London or Dublin, or the Court of Session, or Sheriff depute or stewarts depute, or their respective substitutes, within their several shires and stewartries in Scotland, or courts of law in the East or West Indies, or in any of His Majesty's colonies, garrisons, or dominions in Europe or elsewhere," substitute "liable to be proceeded against in a civil Court".

Section 67.—For "any Province of India" substitute "any Part A State or Part C State".

Section 68.—Omit "during His Majesty's pleasure".

Section 69A.—For "by authority and either to be printed by a Government printer or to be issued by His Majesty's Stationery Office" substitute "by the authority of the Central Government".

Section 70.—For "a Province of India" substitute "a Part A State".

Section 74.—In sub-section (*1*) omit "within His Majesty's dominions".

Section 80.—For "the Provinces of India" substitute "Part A States and Part C States" and omit "This section shall not apply to persons imprisoned in England.".

Section 81.—For sub-section (*2*) substitute—

"(*2*) The Central Government may make rules providing for—

(*a*) the government, management and regulation of naval prisons and detention quarters;

(*b*) the appointment and removal and powers of Inspectors, visitors and officers thereof;

(*c*) the labour of prisoners or persons undergoing detention therein and for enabling such prisoners or persons to earn by special industry and good conduct a remission of a portion of their sentence;

(*d*) the safe custody of such prisoner's or persons and the maintenance of discipline among them and for punishment by personal correction, restraint or otherwise of offences committed by such prisoners or persons.".

After sub-section (2) insert— 525

"(3) The rules to be made under this section may apply to naval prisons or detention quarters any of the provisions of the Prisons Act, 1894, and rules made thereunder imposing punishments on persons not prisoners or relating to the duties of gaolers, medical officers and other officers of the prisons.

(4) the rules to be made under this section shall not authorise corporal punishment to be inflicted for any offence.".

For sections 84, 85 and 86 substitute—

"84. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

"officer" means a commissioned officer, warrant officer, or subordinate officer of the Indian Navy, or an officer holding any such position in the Indian Naval Reserve Forces during and in respect of the time when he is subject to the provisions of this Act, but does not include a petty officer; and

"superior officer", when used in relation to a person subject to this Act, includes an officer of the Indian Military or Air Force when serving under such conditions as may be prescribed by the Central Government and includes also a petty officer.

85. (1) Officers, other than warrant officers and subordinate officers, shall be appointed by commission of the President.

Appointment of Officers.

(2) The grant of the commission shall be notified in the Gazette of India and such notification shall be conclusive proof of the grant of such commission.

(3) Warrant officers and subordinate officers shall be appointed in such manner and shall hold such rank or rating as may be prescribed by regulations made by the Central Government.

(4) All officers of the Indian Navy borne on the books of any ship of the Indian Navy in commission at the commencement of the Constitution shall be deemed to have been duly appointed under the provisions of this section, and where such officers hold commissions or warrants granted before the commencement of the Constitution, they shall be deemed to have relinquished such commissions or warrants.

86. The terms and conditions of service and the manner and procedure of enrolment and re-enrolment of persons other than officers shall be as prescribed by regulations of the Central Government, and such persons borne on the books of any ship of the Indian Navy in commission at the commencement of the Constitution shall be deemed to have been enrolled under the provisions of this section.".

Enrolment.

Section 88.—For "His Majesty's" substitute "the Indian".

Section 90.—In sub-section (1) for "an engagement with the Central Government to serve His Majesty" substitute "an engagement to serve the Central Government".

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For section 90A substitute—

"90A. The relative rank of naval and military or air force officers, petty officers, Junior Commissioned Officers and Non-Commissioned Officers shall, for the purposes of this Act relating to superior officers, be such as may be prescribed by regulations of the Central Government".

For section 90B substitute—

Relations between the Royal Navy and the Indian Navy.

"90B. While any member of the Royal Navy is attached to or serving with the Indian Navy, he shall have, in relation to the members of the Indian Navy, the powers of command and punishment appropriate to his rank and functions.".

Section 90C.—For "His Majesty's Navy" substitute "Royal Navy".

Section 97.—Omit "non-commissioned officer of marines or marine," and for "His Majesty's dominions" substitute "the States".

Section 98.—Omit "non-commissioned officer of marines or marine,".

For section 100 substitute—

Nothing to take away rights of Central Government.

"100. Nothing in this Act shall take away, abridge, or control, further or otherwise than as expressly provided by this Act, any right or power of the Central Government.".

Section 101.—Omit "in His Majesty's dominions,".

Omit Part VIII.

Omit the Schedule annexed to the First Schedule.

The Indian Finance Act, 1935.

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Indian Finance Act, 1936.

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Parsi Marriage and Divorce Act, 1936.

(III of 1936)

Section 1.—In sub-section (*2*) for "subjects of His Majesty" substitute "citizens of India"; and in the proviso to sub-section (*2*) for "territories in India beyond the limits of the Provinces" substitute "Part B States".

Section 29.—For "the Provinces" substitute "Part A States and Part C States".

Section 51.—For "section 107 of the Government of India Act" substitute "article 227 of the Constitution".

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The Payment of Wages Act, 1936.

(IV of 1936)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 24.—For "Federal railways (within the meaning of the Government of India Act, 1935,)" substitute "railways".

The Decrees and Orders Validating Act, 1936.

(V of 1936)

Long title and Preamble.—Omit "in the Provinces".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Geneva Convention Implementing Act, 1936.

(XIV of 1936)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Red Cross Society (Allocation of Property) Act, 1936.

(XVIII of 1936)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Durgah Khwaja Saheb Act, 1936.

(XXIII of 1936)

Throughout the Act for "the Central Legislature" substitute "Parliament".

Section 5.—In sub-section (*1*)—

(*i*) in sub-clause (*iv*) of clause (*e*) for "Bengal" substitute "West Bengal";

(*ii*) in clause (*f*), for "Acceding States or in the State of Hyderabad" substitute "Part B States".

Section 13.—For "the Provinces" substitute "Part A States and Part C States".

Section 14.—For "the Presidents of both Chambers of the Legislature concerned, acting together, or the President of the Legislative Assembly concerned," substitute "the Speaker and Chairman of the two Houses of the Legislature concerned, acting together, or if there is only one House of the Legislature, the Speaker of that House,".

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The Arbitration (Protocol and Convention) Act, 1937.

(VI of 1937)

Long title and Preamble.—Omit "the Provinces of".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 2.—After "In this Act" add—"—

(*1*) "States" means the territories for the time being comprised within Part A States and Part C States; and

(*2*) ".

The Indian Finance Act, 1937.

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Arya Marriage Validation Act, 1937.

(XIX of 1937)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States and applies also to citizens of India wherever they may be.".

The Petroleum (Berar Extensions) Act, 1937.

(XXIII of 1937)

Preamble.—Omit the second paragraph.

Section 3.—For "the Provinces" substitute "Part A States and Part C States (excluding Berar)".

The Muslim Personal Law (Shariat) Application Act, 1937.

(XXVI of 1937)

Long title and Preamble.—Omit "in the Provinces of India".

Section 3.—In clause (*c*) of sub-section (*1*) for "a Province of India" substitute "a Part A State or a Part C State".

The Insurance Act, 1938.

(IV of 1938)

Section 2.—In clause (*3*) for "a Provincial Government" substitute "the Government of a Part A State";

for "Act of a Legislature established in a Province" substitute "a Provincial Act or on Act of the Legislature of a Part A State or Part C State"; and

For "an Acceding State or other Indian State" substitute "a Part B State".

In clause (*9*) for "or State outside the Provinces of India" substitute "other than India, or of any Part B State".

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After clause (*14*) insert—

"(*14A*) 'State' means a Part A State or a Part C State and 'States' means all the territories for the time being comprised in Part A States and Part C States.".

Sections 2A and 15.—Omit "of India".

Section 9.—In sub-section (*2*) for "Acceding State or other Indian State" substitute "Part B State".

Sections 31, 40 and 116.—For "an Acceding State or other Indian State" substitute "a Part B State".

Section 36.—Omit "or in a non-acceding Indian State".

Section 87A.—For "in the provinces or in an Indian State" substitute "in India".

Section 107.—After sub- section (*1*) add—

"Provided that where the principal place of business of such insurer is situated in a Part C State references in this section to the Advocate-General of the Province shall be construed as references to the Attorney-General for India".

Section 114.—For "Central Legislature" and "Legislature" substitute "House of the People".

The Indian Finance Act, 1938.

Section 1.—For sub-section (*2*) substitute—

"(2) It extends to the whole of India except Part B States.".

The Indian Tea Control Act, 1938.

(VIII of 1938)

Long title and Preamble.—Omit "from" and "in the Provinces of India"; and

Section 2.—After clause (*g*) insert—

"(*gg*) 'State' means a Part A State or a Part C State and 'States' means the territories for the time being comprised within Part A States and Part C States;".

Section 3.—In sub-section (*1*)—

in clause (*d*) for "the Indian State of Travancore" substitute "the State of Travancore-Cochin"; and

in clause (*e*) for "Travancore" substitute "Travancore-Cochin".

Section 12.—In sub-section (*2*) for "any Province" substitute "a Part A State or a Part C State".

Section 25.—For "the State" substitute "that State".

The Criminal Law Amendment Act, 1938.

(XX of 1938)

Preamble.—For "His Majesty's Forces" substitute "the Armed Forces of the Union".

Section 2.—In clause (*a*) for "His Majesty" substitute "the Union" and in clause (*b*) omit "the Naval Discipline Act as applied to the Indian Navy by",

The Employers' Liability Act, 1938.

(XXIV of 1938)

Long title and Preamble.—Omit "in the Provinces".

The Employment of Children Act, 1938.

(XXVI of 1938)

Section 2.—In clause (*a*), after "the Indian Ports Act, 1908", insert "or so declared by or under an Act of Parliament"; and

omit "federal" and "as defined in the Indian Railways Act, 1890,".

The Motor Vehicles Act, 1939.

(IV of 1939)

Preamble.—Omit "in the Provinces of India".

Section 2.—After clause (*29*) insert—

"(*29A*) 'State' means a Part A State or a Part C State and 'States' means all the territories for the time being comprised in Part A States and Part C States;".

Section 9.—In sub-sections (*2*) and (*4*) for "Acceding State or other Indian State" substitute "Part B State".

Section 28.—In sub-section (*1*) for "in any other Province" substitute "elsewhere in India" and in sub-sections (*2*) and (*5*) for "Acceding State or other Indian State" substitute "Part B State".

Section 42.—In clause (*a*) of sub-section (*3*) for "a Provincial Government" substitute "the Government of a Part A State", for "an Indian State Railway" substitute "a railway"; and

in clause (*h*) for "Acceding State or other Indian State" substitute "Part B State".

Section 93.—In clause (*a*) for "an Acceding State or other Indian State" substitute "a Part B State" and,

in clause (*c*) for "Acceding State or other Indian State" substitute "Part B State".

Section 94.—In clause (*iii*) of sub-section (*2*) for "any Provincial Government" substitute "the Government of any Part A State",

in clause (*iv*) for "any Acceding State or other Indian State" substitute "any Part B State",

in clause (*vi*) omit "of India",

in clause (*vii*) for "extra-Provincial jurisdiction" substitute "foreign jurisdiction" and

in clause (*viii*) for "an Acceding State or other Indian State" substitute "a Part B State".

Section 133.—For "the Central or Provincial Legislature" substitute "Parliament or the Legislature of a Part A State" and for "as the Legislature" substitute "as Parliament or such Legislature".

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Sixth Schedule.—For the table in the Schedule substitute—

Assam	AS
Bihar	BR
Bombay	BM, BY
Madhya Pradesh	CP, MP
Madras	MD, MS
Orissa	OR
Punjab	PN
United Provinces	UP, US
West Bengal	WB, WG
Ajmer	AJ
Bhopal	BS
Bilaspur	BL
Coorg	CG
Delhi	DL
Himachal Pradesh	HI
Kutch	KH
Manipur	MN
Tripura	TR
The Andaman and Nicobar Islands	AN

The Indian Naval Reserve Forces (Discipline) Act, 1939.

Long title.—For "discipline" substitute "government" and omit "raised in the Provinces on behalf of His Majesty".

Preamble.—For "discipline" substitute "government" and omit "raised in the Provinces on behalf of His Majesty, and in furtherance of that purpose to amend the First Schedule to the Indian Navy (Discipline) Act, 1934".

Section 2.—Omit "Royal".

Section 4.—Omit "Royal" and "to the Naval Discipline Act as set out in the First Schedule".

Sections 5 and 6.—Omit "Royal".

After section 7 insert—

"8. (*1*) Officers, other than warrant officers and subordinate officers, in the Indian Naval Reserve Forces shall be appointed by commission of the President.

Appointment of officers.

(*2*) The grant of the commission shall be notified in the Gazette of India and such notification shall be conclusive proof of the grant of such commission.

(*3*) Warrant officers and subordinate officers shall be appointed in such manner and shall hold such rank or rating as may be prescribed by rules made by the Central Government.

(*4*) All officers in the Indian Naval Reserve Forces at the commencement of the Constitution shall be deemed to have been duly appointed under the provisions of this section, and where such officers hold or are deemed to hold commissions or warrants granted before the commencement of the Constitution, they shall be deemed to have relinquished such commissions or warrants.

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9. The terms and conditions of service and the manner and procedure of enrolment and re-enrolment of persons other than officers shall be as prescribed by rules of the Central Government, and such persons in the Indian Naval Reserve Forces at the commencement of the Constitution shall be deemed to have been enrolled under the provisions of this section.".

Enrolment.

The Standards of Weight Act, 1939.

(IX of 1939)

Long title and Preamble.—Omit "throughout the Provinces".

The Indian Finance Act, 1939.

Section 6.—In sub-section (*4*) for "the Provinces" substitute "Part A States and Part C States".

The Registration of Foreigners Act, 1939.

(XVI of 1939)

Section 1.—In sub-section (*2*) at the end add "except the State of Hyderabad".

Section 2.—For sub-clause (*ii*) of clause (*a*) substitute—

"(*ii*) a citizen of India; or";

omit sub-clause (*iii*); and after clause (*a*) add—

"(*aa*) 'India' except in the expression "citizen of India", does not include the State of Hyderabad".

Section 6.—For "the Central Legislature" substitute "Parliament".

Section 9.—For "the Provinces of India" substitute "Part A States and Part C States".

The Coal Mines Safety (Stowing) Act, 1939.

(XIX of 1939)

Section 1.—In sub-section (*2*) for "all the Provinces of India except" substitute "the whole of India except Part B States and the States of".

Section 3.—In sub-section (*3*) for "the Provinces" substitute "the territories for the time being comprised in Part A States and Part C States (hereinafter referred to as the said territories)".

Sections 5 and 6.—For "the Provinces" substitute "the said territories".

Section 6.—For "the territory of any Indian State" substitute "a Part B State".

The Medical Diplomas Act, 1939.

(XXVIII of 1939)

This Act shall stand repealed.

The Indian Air Force Volunteer Reserve (Discipline) Act, 1939.

(XXXVI of 1939)

Long title and Preamble.—Omit "raised in the Provinces on behalf of His Majesty".

Section 3.—For "His Majesty's Indian Air Force" substitute "the Indian Air Force".

The Trade Marks Act, 1940.

(V of 1940)

Throughout the Act for "Acceding State or other Indian State" substitute "Part B State".

Section 2.—In clause (*d*) for "as defined in sub-section (*1*) of section 219 of the Government of India Act, 1935" substitute "for a Part A State"; and after clause (*k*) insert—

"(*kk*) 'State' means a Part A State or a Part C State and 'States' means all the territories for the time being comprised in Part A States and Part C States;".

Section 8.—In clause (*b*) for "His Majesty's subjects" substitute "the citizens of India".

Section 69.—After "Royal Arms" insert "or Government Arms".

The Arbitration Act, 1940.

(X of 1940)

Preamble.—Omit "in the Provinces".

Section 39.—In sub-section (*2*) for "His Majesty in Council" substitute "the Supreme Court".

Section 42.—In clause (*b*) for "the Provinces" substitute "India".

The Excess Profits Tax Act, 1940.

(XV of 1940)

Throughout the Act for "British India" substitute "the taxable territories".

Section 1.—In sub-section (*2*) for "the whole of British India" substitute "the whole of India except Part B States".

Section 2.—Omit clause (*4A*).

After clause (*21*), insert—

"(*21A*) 'Taxable territories' has the meaning assigned to that expression by clause (*14A*) of section 2 of the Indian Income-Tax Act, 1922.".

The Drugs Act, 1940.

(XXIII of 1940)

Preamble.—In the first paragraph for "import into, and the manufacture, distribution and sale in, the Provinces" substitute "import, manufacture, distribution and sale".

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Section 3.—After clause (*e*) insert—

" (*f*) 'States' means the territories for the time being comprised within Part A States and Part C States.".

The Agricultural Produce Cess Act, 1940.

(XXVII of 1940)

Throughout the Act for "the Imperial Council of Agricultural Research", substitute "the Indian Council of Agricultural Research".

Section 3.—In sub-section (*1*) for "the Provinces" substitute "the territories for the time being comprised within Part A States and Part C States".

Section 9.—For "the Central Legislature" substitute "Parliament".

The Indian Finance (No. 2) Act, 1940.

Section 3.—In clause (*a*) of sub-section (*2*) for "the Provinces" substitute "the territories for the time being comprised within Part A States and Part C States".

The Berar Laws Act, 1941.

(IV of 1941)

Preamble.—Omit "in force in the Provinces".

Section 2.—In sub-section (*1*) omit the words beginning with "any reference by" and ending with the words "the Nizam of Hyderabad, and".

The Assam Rifles Act, 1941.

(V of 1941)

Section 2.—In clause (*3*) for "the Political Agent in Manipur and the Political Officer of the Sadiya and of the Balipara Frontier Tracts;" substitute "the Chief Commissioner, Manipur, the Political Officer, Balipara Frontier Tract, the Political Officer, Tirap Frontier Tract, the Political Officer, Abor Hills District and the Political Officer, Mishmi Hills District;".

Section 11.—For "His Majesty's" substitute "the Indian".

The Indian Finance Act, 1941.

(VII of 1941)

Section 7.—In clause (*a*) of sub-section (*2*) for "the Provinces" substitute "Part A States and Part C States".

The Professions Tax Limitation Act, 1941.

(XX of 1941)

This Act shall stand repealed.

The Federal Court Act, 1941.

(XXI of 1941)

Section 3.—"Governor-General" shall stand unmodified.

The Railways (Local Authorities' Taxation) Act, 1941.

(XXV of 1941)

Long title and Preamble.—For "Province" substitute "Part A State".

Preamble and Section 3.—Omit "His Majesty for the purposes of".

The Coffee Market Expansion Act, 1942.

(VII of 1942)

Long title and Preamble.—For "export of coffee from and the sale of coffee in the Provinces" substitute "export and sale of coffee".

Section 3.—After clause (*l*) insert—

"(*ll*) 'States' means all the territories for the time being comprised within Part A States and Part C States;".

Section 4.—In clause (*a*) of sub-section (*2*)—

in sub-clause (*i*) for "Imperial" substitute "Indian";

in sub-clause (*ii*) for "Department of Industries and Supplies" substitute "Ministry of Industry and Supply";

for sub-clause (*vi*) substitute—

"(*vi*) two persons representing the State of Travancore-Cochin nominated by the Government of that State"; and

omit clause (*vii*).

The Indian Finance Act, 1942.

(XII of 1942)

Long title and Preamble.—For "the Provinces" substitute "India".

Section 2.—For "the Provinces" substitute "the territories to which this Act applies".

Section 8.—For "the Provinces" substitute "the territories to which this Act applies".

The Indian Finance Act, 1943.

(VIII of 1943)

Long title and Preamble.—For "the Provinces" substitute "India".

Section 2.—For "the Provinces" substitute "the territories to which this Act applies".

Section 5.—For "the Provinces" substitute "the territories to which this Act applies".

The Reciprocity Act, 1943.

(IX of 1943)

Long title and Preamble.— For "the Provinces of" substitute "certain parts of".

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Section 2.—In clause (*a*) omit "exclusive of India"; and after clause (*b*) insert—

"(*c*) 'States' means the territories for the time being comprised in Part A States and Part C States".

The Delhi Muslim Wakfs Act, 1943.

(XIII of 1943)

Section 7.—In clause (*e*) of sub-section (*1*) for "the Central Legislature" substitute "Parliament".

The War Injuries (Compensation Insurance) Act, 1943.

(XXIII of 1943)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

Section 9.—For "Federal Railway" substitute "Railway Administration".

Sections 10 and 21.—For "the Provinces" substitute "a Part A State or a Part C State".

Central Excises and Salt Act, 1944.

(I of 1944)

Preamble.—For "the Provinces" substitute "certain Parts".

Section 2.—After clause (*j*) insert—

"(*jj*) 'States' means all the territories for the time being comprised within Part A States and Part C States;".

Section 5.—For "any Acceding State or other Indian State" substitute "a Part B State" and omit "not being territory which has been declared under section 5 of the Indian Tariff Act, 1934 (XXXII of 1934), to be foreign territory for the purposes of that section".

Section 31.—For "the British" substitute "the Government".

Section 37.—In clause (*iii*) of sub-section (*2*) for "the territory of any specified Prince or Chief in India" substitute "any specified Part B State".

Section 38.—For "the Central Legislature" and "that Legislature" substitute "Parliament".

First Schedule.—In column 3 against item (*5*) for "Act of the Central Legislature" substitute "a Central Act".

The Indian Coconut Committee Act, 1944.

(X of 1944)

Section 4.—In clause (*a*) for "Imperial" substitute "Indian"; in clause (*b*) for the words "two by the Government of the State of Travancore,", substitute "three by the Government of the State of Travancore-Cochin,", and for "the Government of the State of Mysore, and the Government of the State of Cochin", substitute "and the Government of the State of Mysore";

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for clause (*c*) substitute—

"(*c*) five persons representing the coconut oil industry, two of whom shall be nominated by the Government of the State of Travancore-Cochin and one each by the Government of Madras, the Indian Merchants Association, Bombay, and the Bombay Chamber of Commerce, Bombay;";

in clause (*d*) for "Travancore" substitute "Travancore-Cochin";

in clause (*g*) for "the Central Legislature" substitute "Parliament"; and for "nominated respectively by the Governments of the States of Travancore, Mysore and Cochin" substitute "of whom one shall be nominated by the Government of the State of Mysore and two by the Government of the State of Travancore-Cochin".

Section 17.—For "the Central Legislature" substitute "the House of the People" and omit "His Majesty for the purposes of".

The Public Debt Act, 1944.

(XVIII of 1944)

Long title and Preamble.—For "the Dominion and the Provinces" substitute "the Union and the Part A States".

Section 8.—For "the Provinces" substitute "India".

Section 13.—For "the Provinces" where it occurs for the first time, substitute "Part A States and Part C States" and where it occurs a second time, substitute "those States".

Section 14.—For "an Indian State" substitute "a Part B State".

Section 20.—For "the Provinces" substitute "a Part A State or a Part C State".

Section 28.—In sub-section (*3*) for "both the Chambers of the Indian Legislature" substitute "Parliament".

The Indian Finance Act, 1944.

Preamble.—For "the Provinces" substitute "Part A States and Part C States".

Sections 2 and 6.—For "the Provinces" substitute "Part A States and Part C States".

The Indian Finance Act, 1945.

Preamble.—For "the Provinces" substitute "Part A States and Part C States".

Sections 2 and 7.—For "the Provinces" substitute "Part A States and Part C States".

The Indian Finance Act, 1946.

(VII of 1946)

Throughout the Act, except in section 1, for "the Provinces" substitute "Part A States and Part C States".

The Indian Oilseeds Committee Act, 1946.

(IX of 1946)

Section 3.—For "the Provinces" where the expression occurs for the first time, substitute "the territories to which this Act extends"; and where that expression occurs for the second and third time, substitute "the said territories".

Section 4.—In clause (*a*) for "Imperial" substitute "Indian";

in clause (*g*) for "other Provinces and the Acceding States" substitute "rest of India",

in clause (*s*) for "the Central Legislature" substitute "Parliament".

Section 16.—For "the Central Legislature" substitute "the House of the People" and omit "His Majesty for the purposes of".

The Protective Duties Act, 1946.

(XVII of 1946)

Preamble.—For "the Provinces" substitute "Part A States and Part C States".

Section 2.—In sub-section (*1*), for "the Provinces" where that expression occurs for the first time, substitute "the territories to which this Act extends" and, where the expression occurs for the second time, substitute "the said territories"; and

in sub-section (*2*) for "Acts of the Central Legislature" substitute "Central Acts".

Section 3.—For "the Central Legislature" substitute "Parliament".

The Industrial Employment (Standing Orders) Act, 1946.

(XX of 1946)

Section 2.—In clause (*b*) for "Federal railway" substitute "Railway administration"; and

in clause (*i*) for "the Crown" substitute "the Union".

The Merchant Seamen (Litigation) Act, 1946.

(XXI of 1946)

Section 2.—For "the Provinces" substitute "a Part A State or a Part C State".

The Mica Mines Labour Welfare Fund Act, 1946.

(XXII of 1946)

Section 2.—For "the Provinces" substitute "Part A States and Part C States".

The Essential Supplies (Temporary Powers) Act, 1946.

(XXIV of 1946)

Section 1.—In sub-section (*3*) for "on the expiration of the period mentioned in section 4 of the India (Central Government and Legislature) Act, 1946," substitute "on the first day of April, 1951," and for "the expiration thereof" substitute "that date".

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The Delhi Special Police Establishment Act, 1946.

(XXV of 1946)

Throughout the Act for "Chief Commissioner's Province of Delhi" substitute "State of Delhi".

Sections 5 and 6.—For "the Provinces" substitute "Part A States and Part C States".

The Foreigners Act, 1946.

(XXXI of 1946)

Section 1.—In sub-section (*2*) after "India" add "except the State of Hyderabad".

Section 2.—In clause (*a*) for sub-clause (*iii*) substitute—

"(*iii*) is not a citizen of India";

and omit sub-clause (*iv*) and the proviso.

After clause (*a*) add—

"(*aa*) 'India' except in the expression 'citizen of India,' does not include the State of Hyderabad;".

The Prevention of Corruption Act, 1947.

(II of 1947)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States; and it applies also to all citizens of India outside India.".

Section 6.—In clause (*a*) for "Federation" substitute "Union" and in clause (*b*) for "a Province" substitute "a Part A State".

The Foreign Exchange Regulation Act, 1947.

(VII of 1947)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States; and it applies also to all citizens of India outside India.".

Section 2.—After clause (*l*) insert—

"(*ll*) 'States' means all the territories for the time being comprised within Part A States and Part C States.".

The Industrial Disputes Act, 1947.

(XIV of 1947)

Section 2.—In sub-clause (*i*) of clause (*a*) omit "operating a Federal Railway".

Omit clause (*h*).

Section 15.—In the proviso to sub-section (*2*) for "Central Legislature" substitute "House of the People".

Section 20.—In sub-section (*3*) for "Central Legislature" substitute "the House of the People".

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The Armed Forces (Emergency Duties) Act, 1947.

(XV of 1947)

Long title and Preamble.—Omit "of the Crown".

Section 2.—In sub-section (*1*) for "in a Province," substitute "in a Part A State or a Part C State" and for "an Acceding State" substitute "a Part B State".

In sub-section (*2*) omit "the Naval Discipline Act, in the form in which it is set forth in the First Schedule to".

The Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947.

(XVI of 1947)

Long title and Preamble.—For "His Majesty" substitute "the Government of India".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States; and it applies also to all citizens of India outside India".

The Requisitioned Land (Continuance of Powers) Act, 1947.

(XVII of 1947)

Section 1.—In sub-section (*3*) for "on the expiration of the period mentioned in section 4 of the India (Central Government and Legislature) Act, 1946" substitute "on the first day of April 1951" and for "the expiration thereof" substitute "that date".

The Imports and Exports (Control) Act, 1947.

(XVIII of 1947)

Preamble.—For "imports into and exports from the Provinces" substitute "imports and exports".

Section 2, after clause (*c*) add—

"(*d*) 'States' does not include Part B States.".

The Indian Finance Act, 1947.

(XX of 1947)

Preamble.— For "salt manufactured in or imported into the Provinces" substitute "manufactured or imported salt".

Sections 2, 5 and the Schedule.—For "the Provinces" substitute "Part A States and Part C States".

The Business Profits Tax Act, 1947.

(XXI of 1947)

Throughout this Act, except where otherwise expressly provided, for "British India" substitute "the taxable territories".

Section 1.—In sub-section (*2*) for "British India" substitute "India except Part B States".

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Section 2.—Omit clause (*2-A*).

In clause (*5*) for "merged States" substitute "merged territories" and after "Act of Parliament" insert "of the United Kingdom".

Omit clause (12-A).

After clause (*17*) insert—

"(17-A) 'taxable territories' shall have the meaning assigned to that expression by clause (14-A) of section 2 of the Indian Income-tax Act, 1922.".

Section 23-A.—For "merged States" substitute "merged territories".

The Rubber (Production and Marketing) Act, 1947.

(XXIV of 1947)

Long title and Preamble.—For "the export from, and the import into, the Provinces" substitute "export and import".

Section 3.—After clause (j) add—

"(*k*) 'States' does not include Part B States".

Section 4.—In sub-section (*3*) for clause (*d*) substitute—

"(*d*) five members to be nominated by the Government of the State of Travancore-Cochin, one of whom shall be a person representing rubber producing interests;" and

omit clause (*e*).

Section 7.—In clause (*b*) of sub-section (*1*) for "to be nominated respectively by the Central Government, the Government of Travancore and the Government of Cochin" substitute "one to be nominated by the Cenral Government and the other two by the Government of the State of Travancore-Cochin".

The Capital Issues (Continuance of Control) Act, 1947.

(XXIX of 1947)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States; and it applies also to all citizens of India outside India.".

Section 2.—After clause (*b*) add—

"(*c*) 'States' means all the territories for the time being comprised within Part A States and Part C States.".

The Antiquities (Export Control) Act, 1947.

(XXXI of 1947)

Section 2.—In clause (*b*) for "the Provinces" substitute "the territories comprised in Part A States and Part C States".

The Coal Mines Labour Welfare Fund Act, 1947.

(XXXII of 1947)

Section 3.—In sub-section (*1*) for "the Provinces" substitute "Part A States and Part C States".

The Press (Special Powers) Act, 1947.

(XXXIX of 1947)

Long title and Preamble.—For "Chief Commissioners' Provinces" substitute "Part C States".

Sections 4 and 8.—For "His Majesty's subjects" substitute "the citizens of India".

The Extra-Provincial Jurisdiction Act, 1947.

(XLVII of 1947)

Throughout this Act except in section 7, for "extra-provincial" substitute "foreign".

Preamble.—Omit "the Provinces of".

Sections 2, 5 and 6.—For "the Provinces" substitute "India".

The Indian Nursing Council Act, 1947.

(XLVIII of 1947)

Section 2.—After clause (*d*) add—

"(*e*) 'State' means a Part A State or a Part C State, and 'States' means all the territories for the time being comprised within Part A States and Part C States".

Section 3.—In clause (*o*) for "the Central Legislature" substitute "Parliament".

Sections 10, 12 and 14.—Omit "of India".

The Ajmer-Merwara (Extension of Laws) Act, 1947.

(LII of 1947)

Section 2.—For "any other Province" substitute "any other Part C State or in any Part A State".

The Salaries of Ministers Act, 1947.

(LIII of 1947)

Preamble and Section 2.—For "of the Dominion of India" substitute "for the Union".

The Cotton Textiles Cess Act, 1948.

(VII of 1948)

Long title and Preamble.—For "certain cotton textiles manufactured in the Provinces of India" substitute "the manufacture of certain cotton textiles".

The Pharmacy Act, 1948.

(VIII of 1948)

Section 2.—After clause (*j*) add—

"(*k*) 'State' means a Part A State or a Part C State".

Section 12.—Omit "of India".

Section 14.—For "British subject of Indian domicile" substitute "citizen of India" and for "Provinces of India" substitute "Part A States and Part C States".

Section 31.—Omit "the Provinces of".

The Minimum Wages Act, 1948.

(XI of 1948)

Section 2.—In clause (*b*) for "by the Federal railway authority, or a railway company operating a Federal railway" substitute "by a railway administration" and for "an Act of the Central Legislature" substitute "a Central Act" and in clause (*i*) for "Crown" substitute "Union".

The Damodar Valley Corporation Act, 1948.

(XIV of 1948)

Section 4.—In clause (*a*) of sub-section (*2*) for "the Central" substitute "Parliament".

The Industrial Finance Corporation Act, 1948.

(XV of 1948)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin.".

Section 2.—In clause (*c*) for "an Act of the Legislature" substitute "a Central Act or an Act of the Legislature of a State".

Section 43.—For "the Legislature" substitute "Parliament".

The Dentists Act, 1948.

(XVI of 1948)

Section 2.—After clause (*l*) add—

"(*m*) 'State' means a Part A State or a Part C State, and 'States' means all the territories for the time being comprised within Part A States and Part C States".

Section 3.—In clauses (*c*) and (*d*) omit "of India".

Section 10.—In sub-sections (*1*), (*3*) and (*4*) for "British subjects of Indian domicile" substitute "citizens of India" and in sub-sections (*2*) and (*5*) for "Province of India" substitute "State".

Sections 11, 14, 15 and 16.—Omit "of India".

Section 33.—For "British subject of Indian domicile" substitute "citizen of India" and omit "of India".

Section 34.—For "British subject of Indian domicile" substitute "citizen of India".

The Indian Finance Act, 1948. 544

(XX of 1948)

Preamble.—For "salt manufactured in, or imported into, the Provinces of India" substitute "manufactured or imported salt".

Section 2.—For "Provinces of India" substitute "Part A States and Part C States".

Section 8.—In clauses (*1*), (*5*) and (*9*) for "British India" substitute "the taxable territories".

The National Cadet Corps Act, 1948.

(XXXI of 1948)

Section 1.—In sub-section (*2*) after "India" insert "except the State of Hyderabad".

Section 4.—Omit "or Acceding State".

Section 12.—In sub-section (*1*) for clauses (*f*) and (*g*) substitute—

(*f*) the Chief of the Naval Staff and Commander-in-Chief, Indian Navy, *ex-officio;*

(*g*) the Chief of the Air Staff and Commander-in-Chief, Indian Air Force, *ex-officio*;"; and

in clause (*i*) for "the Central Legislature" substitute "Parliament".

In sub-section (*2*) omit "Provincial or".

The Road Transport Corporation Act, 1948.

(XXXII of 1948)

Section 3.—In the proviso to sub-section (*2*) for "Federal Court" substitute "Supreme Court".

The Employees' State Insurance Act, 1948.

(XXXIV of 1948)

Section 2.—In clause (*1*) for "a federal railway" substitute "a railway administration".

In clause (*9*) for "His Majesty's" substitute "the Indian".

Section 4.—In clause (*i*) for "the Central Legislature" substitute "Parliament".

Sections 8, 21 and 36.—For "the Central Legislature" substitute "Parliament".

Section 58.—In sub-section (*4*) for "High Court of a Province" substitute "High Court for a Part A State".

The Census Act, 1948.

(XXXVII of 1948)

Preamble.—Omit "the Provinces and Acceding States of".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin.".

Omit Section 2.

8 8 4 5

Section 17.—For "the Provinces of India or the Province" substitute "India or any State".

The Continuance of Legal Proceedings Act, 1948.

(XXXVIII of 1948)

Section 1.—In sub-section (*2*) for "all the Provinces of India" substitute "the whole of India except Part B States".

The rest of the Act shall remain unmodified.

The Indian Matrimonial Causes (War Marriages) Act, 1948.

(XL of 1948)

In the Preamble omit " in the Provinces of India".

Section 3.—In the *Explanation* omit "outside India".

The Diplomatic and Consular Officers (Oaths and Fees) Act, 1948.

(XLI of 1948)

Section 3.—For "the Provinces of India " substitute "Part A States" and for "any Province of India" substitute "any Part A State".

Section 5.—For "any Province of India "substitute "any Part A State or Part C State".

The Coal Mines Provident Fund and Bonus Schemes Act, 1948.

(XLVI of 1948)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the State of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin.".

The Mines and Minerals (Regulation and Development) Act, 1948.

(LIII of 1948)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad Jammu and Kashmir, Mysore and Travancore-Cochin.".

Sections 7 and 10.—For "the Central Legislature" substitute "the House of the People".

For section 13 substitute :—

"*13. Act to be binding on the Government.*—The provisions of this Act shall be binding on the Government.".

The Electricity (Supply) Act, 1948.

(LIV of 1948)

Long title and Preamble.—For "the electrical development of the Provinces of India" substitute "electrical development".

Sections 5 and 10.—For "the Central" substitute "Parliament",

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Section 44.—For "legislation enacted by the Central Legislature" substitute "a Central Act".

Sections 61 and 66.—For "Chamber" substitute "House" and for "Chambers" substitute "Houses".

The Territorial Army Act, 1948.

(LVI of 1948)

Section 1.—In sub-section (*2*) after "India" insert "except the State of Hyderabad".

Section 2.—In clause (*e*) for "regular forces" substitute "Regular Army".

Section 5.—In clause (*a*) after "Indian commisssioned officers" insert "of the Regular Army".

In clause (*b*) for "Viceroy's commissioned officers" substitute "Junior commissioned officers of the Regular Army".

Section 6.—For "any person domiciled in India" substitute "any person who is a citizen of India".

Section 9.—For "any regular forces" and "the regular forces" substitute "the Regular Army".

Section 13.—For "regular forces" substitute "Regular Army".

Section 14.—For "the regular forces" and "any regular forces" substitute "the Regular Army".

The Exchange of Prisoners Act, 1948.

(LVII of 1948)

Section 1.—At the end of sub-section (*2*) add "except the State of Hyderabad".

Section 2.—Omit clause (*c*).

Section 7.—The word "Province" shall stand unmodified.

The Resettlement of Displaced Persons (Land Acquisition) Act, 1948.

(LX of 1948)

Section 1.—In sub-section (*2*) omit "Chief Commissioners'".

The Central Silk Board Act, 1948.

(LXI of 1948)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin".

Section 4.—In clause (*c*) of sub-section (*3*) for "the Central Legislature" substitute "Parliament", and in clause (*i*) omit "Provinces and".

The Factories Act, 1948.

(LXIII of 1948)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin".

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Section 2.—Omit clause (*q*).

Section 5.—After "provisions of this Act" insert "except section 67".

Section 100.—In the proviso to sub-sections (*1*) and (*2*) omit "the Provinces of".

The Seaward Artillery Practice Act, 1949.

(VIII of 1949)

Section 1.—In sub-section (*2*) omit "and Acceding States of India".

Section 2.—In sub-section (*2*) omit clause (*a*).

The Banking Companies Act, 1949.

(X of 1949)

Throughout this Act unless otherwise provided for "Province of India" substitute "State" and for "Provinces of India" substitute "States".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin".

Section 4.—In sub-section (*4*) for "the Dominion Legislature" substitute "Parliament".

Section 5.—Omit sub-section (*2*).

The Central Tea Board Act, 1949.

(XIII of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin".

Section 4.—In sub-section (*3*)—

in clause (*iii*) for "the Central Legislature" substitute "Parliament".
substitute "Travancore-Cochin".

in clause (*iii*) for "the Central Legislature" substitute "Parliament".

The Indian Finance Act, 1949.

(XIV of 1949)

Section 2.—For "the Provinces of India" substitute "Part A States and Part C States".

Section 9.—In clause (*a*) of sub-section (*3*) for "British India" substitute "the taxable territories".

The Governor-General's Salary (Exemption from Taxation) Act, 1949.

(XVI of 1949)

Throughout this Act the expression "Governor-General" shall stand unmodified.

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The Criminal Law (Removal of Racial Discrimination) Act, 1949.

(XVII of 1949)

Long title and Preamble.—Omit "of the Provinces of India".

The Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949.

(XVIII of 1949)

Long title and Preamble.—Omit "in force in the Provinces of India".

Section 2.—For "the Provinces of India" substitute "Part A States".

The Hindu Marriages Validity Act, 1949.

(XXI of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) In extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin".

The Payment of Taxes (Transfer of Property) Act, 1949.

(XXII of 1949)

Section 2.—For "Provinces of India" substitute "States" and to the section add the following :—

"*Explanation.*—In this section 'States' does not include Part B States".

The Influx from Pakistan (Control) Act, 1949.

(XXIII of 1949)

Section 1.—In sub-section (*2*) add at the end "except the State of Hyderabad".

Section 2.—In clause (*b*) omit "or of the Government of an Acceding State".

After clause (*c*) add—

"(*d*) 'India' does not include the State of Hyderabad".

The Public Companies (Limitation of Dividends) Act, 1949.

(XXX of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin".

The Chartered Accountants Act, 1949.

(XXXVIII of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin".

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The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949.

(XLVI of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad and Jammu and Kashmir".

in sub-section (*3*) for "in any other Province or any Acceding State or any part of such Province or State" substitute "in any other State or in any part of such State".

The Transfer of Detained Persons Act, 1949.

(XLVIII of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad and Jammu and Kashmir".

Section 2.—Omit sub-section (*3*).

The Explosives (Temporary Provisions) Act, 1949.

(LV of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the State of Hyderabad.".

The Indian Railways (Amendment) Act, 1949.

(LVI of 1949)

Throughout the Act for "general controlling authority" substitute "Central Government".

Omit section 6.

Section 13.—In sub-section (*3*) of section 82J to be inserted in the Indian Railways Act, 1890, by this section, for "the Dominion Legislature" substitute "Parliament".

The Merged States (Laws) Act, 1949.

(LIX of 1949)

This Act shall stand unmodified.

The Cinematograph (Second Amendment) Act, 1949.

(LXII of 1949)

Section 2.—For sub-section (*2*) to be substituted in the Indian Cenematograph Act, 1918, by this section, substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad and Jammu and Kashmir".

Section 4.—In section 2A to be inserted in the Cinematograph Act, 1918, by this section, omit clauses (*a*) and (*c*).

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Section 6.—In section 9 to be substituted in the Indian Cinematograph Act, 1918, by this section for "the Dominion Legislature" substitute "Parliament".

The Abducted Persons (Recovery and Restoration) Act, 1949.

(LXV of 1949)

Section 2.—Omit sub-section (*2*).

The Central Reserve Police Force Act, 1949.

(LXVI of 1949)

Section 1.—In sub-section (*2*) after "India" insert "except the State of Hyderabad".

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SECOND SCHEDULE 551

CENTRAL ORDINANCES

The Currency Ordinance, 1940.

(IV of 1940)

Section 2.—For "the Provinces" where it occurs for the first time substitute "the territories for the time being comprised within Part A States and Part C States" and where it occurs for the second time substitute "the said territories".

The War Risks (Goods) Insurance Ordinance, 1940.

(IX of 1940)

Long title and Preamble.—Omit "in the Provinces".

Section 2.—After clause (*f*) insert—

"(*g*) "States" means the territories for the time being comprised within Part A States and Part C States".

Section 9.—For "an Acceding State or other Indian State" substitute "a Part B State".

The War Injuries Ordinance, 1941.

(VII of 1941)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States.".

The Active Service Ordinance, 1941.

(X of 1941)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States and it applies also to all members of and persons attached to, employed with, or following any military or air force of the Union, wherever they may be.".

Sections 2 and 3.— Before "His Majesty's forces" insert "the Armed Forces of the Union or of".

The Penalties (Enhancement) Ordinance, 1942.

(III of 1942)

Section 3.—*In the explanation* for "His Majesty's forces" substitute "the Armed Forces of the Union".

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The War Risks (Factories) Insurance Ordinance, 1942.

(XII of 1942)

Sections 4 and 8.— For "the Provinces" substitute "Part A States and Part C States".

Section 7.—For "an Acceding State or other Indian State" substitute "a Part B State".

The Armed Forces (Special Powers) Ordinance, 1942.

(XLI of 1942)

Section 2.—For "His Majesty's" substitute "the Indian" and omit the words beginning with "or in the forces of a foreign power" and ending with "any such forces as aforesaid".

The Registration of Transferred Companies Ordinance, 1942.

(LIV of 1942)

Long title and Preamble.—Omit "outside India" and "the Provinces of".

Section 2.—For "a Province of India" and "a Province" substitute "a Part A State or a Part C State".

The Legal Tender (Inscribed Notes) Ordinance, 1942.

(LIX of 1942)

Section 2.—For "the Provinces" substitute "Part A States and Part C States".

The Armed Forces (Special Powers) Extension Ordinance, 1942.

(LXVI of 1942)

Section 2.—For "His Majesty's" substitute "the Indian".

The Criminal Law Amendment Ordinance, 1943.

(XXIX of 1943)

Section 1.—For sub-section (2) substitute—

"(2) It extends to the whole of India except Part B States and it applies also to—

(a) citizens of India, without and beyond India; and

(b) British subjects, and servants of the Government or of the Crown in any Part B State.".

Section 4.—In sub-section (1) for "sub-section (3) of section 220 of the Government of India Act, 1935 (26 Geo. 5, c. 2)," substitute "clause (2) of article 217 of the Constitution".

In sub-section (2), for "His Majesty's forces" substitute "the Armed Forces of the Union".

The Military Nursing Services (India) Ordinance, 1943. 553

(XXX of 1943)

Throughout the Ordinance for "Military Nursing Services (India)" substitute "Indian Military Nursing Service".

Long title and Preamble.—Omit "in the Provinces" and for "Crown" substitute "Union".

Section 1.—For sub-section (*2*) substitute—

"(*2*) It applies to members of the Indian military Nursing Services wherever they may be.".

Section 3.—For "Crown" substitute "Union", for "His Majesty's" substitute "the Indian" and omit sub-section (*2*).

Section 4.—Omit sub-section (*2*).

Section 6.—For "Any British subject or any subject of an Indian State" substitute "any citizen of India".

Sections 7 and 11.—For "Commander-in-Chief, India" substitute "Commander-in-Chief, Indian Army,".

Section 8.—For "His Majesty's" substitute "Indian".

Section 9.—In sub-section (*1*) omit the words beginning with "and to those members" and ending with "Indian Army Act, 1911 (VIII of 1911)," and omit sub-section (*2*).

The Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943.

(XXXVI of 1943)

Section 3.—In clause (*d*) of sub-section (*1*) for "His Majesty's" substitute "his".

Section 4.—For "of His Majesty's Forces in India" substitute "Indian Army".

The Railway Stores (Unlawful Possession) Ordinance, 1944.

(XIX of 1944)

Section 2.—Omit "federal railway has the meaning assigned to it in the Government of India Act, 1935 (26 Geo. 5, c. 2), and".

Section 3.—Omit "federal"

The Civilian Personnel (War Department) Trasfer Ordinance, 1944.

(XXXVII of 1944)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States and it applies also to the citizens of India without and beyond India.".

Sections 2 and 3.—Omit "of His Majesty's Forces in India".

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The Criminal Law Amendment Ordinance, 1944.

(XXXVIII of 1944)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States; and it applies also to—

(*a*) citizens of India, without and beyond India; and

(*b*) British subjects, and servants of the Government or of the Crown in any Part B State.".

The Income-tax and Excess Profits Tax (Validity of Notices) Ordinance, 1944.

(XLV of 1944)

Section 1.—In sub-section (*2*) for "all the Provinces of India" substitute "Part A States and Part C States" and omit "and the tribal areas".

The Naval Discipline Ordinance, 1945.

(VII of 1945)

This Ordinance shall stand repealed.

The International Monetary Fund and Bank Ordinance, 1945.

(XLVII of 1945)

Section 5.—For "the Provinces" substitute "Part A States and Part C States".

The High Denomination Bank Notes (Demonitisation) Ordinance, 1946.

(III of 1946)

Section 11.—For "the Provinces" substitute "Part A States and Part C States".

The Criminal Law Amendment Ordinance, 1946.

(VI of 1946)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except Part B States; and it applies also to—

(*a*) citizens of India, without and beyond India; and

(*b*) British subjects, and servants of the Government or of the Crown in any Part B State.".

The Allied Forces (China) Ordinance, 1946.

(VIII of 1946)

Long title and Preamble.—For "the Provinces" substitute "certain parts of India".

Section 2.—After "Ordinance" where it occurs for the second time add—

"and 'States' means the territories to which this Ordinance extends".

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The Export Duties (Emergency Provisions) Ordinance, 1949.

(XXV of 1949)

Section 3.—For "the Provinces of India" substitute "the territories comprised in Part A States and Part C States".

The Administration of Evacuee Property Ordinance, 1949.

(XXVII of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Assam, West Bengal, Hyderabad, Jammu and Kashmir and Mysore.".

Section 3.—Omit clauses (*a*), (*b*) and (*c*), and for "the Provinces of India" substitute "Part A States".

The Nawab Salar Jung Bahadur (Administration of Assets) Ordinance, 1949.

(XXIX of 1949)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad and Jammu and Kashmir.".

The Undesirable Emigrants (Expulsion from Assam) Ordinance, 1950.

(I of 1950)

Section 1.—At the end of sub-section (*2*) add "except the State of Hyderabad".

The Displaced Persons (Claims) Ordinance, 1950.

(V of 1950)

Section 1.—For sub-section (*2*) substitute—

"(*2*) It extends to the whole of India except the States of Hyderabad, Jammu and Kashmir and Mysore.".

The Special Criminal Courts (Jurisdiction) Ordinance, 1950.

(VII of 1950)

Long title and Preamble.—For "Federal Legislative List" substitute "Union List".

Section 3.—For "the Government of India Act, 1935 (26 Geo. 5, c.2)," substitute "the Constitution".

The Armed Forces (Miscellaneous Provisions) Ordinance, 1950.

(VIII of 1950)

Section 20.—For "Dominion" substitute "Union".

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THIRD SCHEDULE

CENTRAL REGULATIONS

The Sonthal Parganas Settlement Regulation, 1872.

(III of 1872)

Section 3.—Omit sub-section (*3*).

The Ajmer Taluqdars' Relief Regulation, 1872.

(Central Regulation IV of 1872)

Section 5.—For "British India" substitute "a Part A State or a Part C State".

The Bengal Eastern Frontier Regulation, 1873.

(Central Regulation V of 1873)

Sections 3 and 7.—Omit "British subject or other". stitute "citizens of India or any class of such citizens".

Sections 3 and 7.—Omit "British subject or other".

The Andaman and Nicobar Islands Regulation, 1876.

(Central Regulation III of 1876)

Section 13.—Omit the words beginning with "Clauses (*b*), (*d*) and (*e*) of this section" and ending with "jointly charged with European British subjects".

The Ajmere Laws Regulation, 1877.

(Central Regulation III of 1877)

Section 16.—For "British territory" substitute "India", and for "whether by British subjects or others" substitute "by any person".

Section 27.—Omit "British" in the expression "British Government" and for "British India" substitute "a Part A State or a Part C State".

Section 29.—For "British India" substitute "a Part A State or a Part C State".

Section 30.—For "British territory" substitute "India".

The Garo Hills Regulation, 1882.

(Central Regulation I of 1882)

Section 4.—Omit "British subject, or other".

The Assam Forest Regulation, 1891.

(Central Regulation VII of 1891)

Section 1.—For "Chief Commissioner" substitute "Government".

Section 37.—In sub-section (*3*) for "the Central Legislature" substitute "Parliament" and for "Part III of the Government of India Act, 1935," substitute "the Constitution".

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Section 40A.—For "British India" substitute "Assam".

Sections 43, 46 and 56.—For "Crown for the purposes of the Province" substitute "State Government".

Section 60.—In sub-section (*4*) omit "or to the officer in charge of the nearest police station".

Section 71.—For "British or" substitute "India or in any".

The Santhal Parganas Justice Regulation, 1893.

(Central Regulation V of 1893)

Sections 10 and 15.—For "Fort William in Bengal" substitute "Patna".

Section 22.—For "Her Majesty in Council" substitute "the Supreme Court".

Sections 23 and 27.—Omit "of Bengal".

The Sonthal Parganas Settlement Regulation, 1904.

(II of 1904)

Preamble.—For "Lieutenant Governor of Bengal" substitute "State Government".

The Laccadive Islands and Minicoy Regulation, 1912.

(Central Regulation I of 1912)

Section 9.—In clause (*c*) of sub-section (*1*) for "may" substitute "had" and for "declare" substitute "declared".

The Excise Regulation, 1915.

(Central Regulation I of 1915)

Long title and Preamble.—For "Coorg and British Baluchistan" substitute "and Coorg".

Section 1.—For "Coorg and British Baluchistan" substitute "and Coorg". Omit the proviso to sub-section (*2*).

Section 2.—In clause (*19*) omit the words beginning with "provided that import" and ending with "shall be deemed to be transport".

Section 17.—For "other parts of British India" substitute "Part A States and other Part C States".

Section 24.—For "British India" substitute "Part A States and Part C States".

The Ajmer-Merwara Municipalities Regulation, 1925.

(Central Regulation VI of 1925)

Section 30.—For clause (*e*) of sub-section (*3*) substitute—

"(*e*) is not a citizen of India:".

The Andaman and Nicobar Islands (Land-Tenure) Regulation, 1926.

(Central Regulation III of 1926)

Sections 3 and 5.—For "His Majesty" substitute "the Central Government".

The Ajmer Courts Regulation, 1926.

(Central Regulation IX of 1926)

Section 27.—Omit "Save in reference to proceedings against European British subjects, or persons jointly charged with European British subjects,".

The Panth Piploda Laws Regulation, 1929.

(Central Regulation I of 1929)

Section 2.—In sub-section (*1*) for "Central Government" where it occurs for the second time substitute "appropriate Government".

After sub-section (*1*) add—

"*Explanation.*—In this Act 'appropriate Government' means, as respects any law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and, as respects any other law, the State Government.".

In sub-section (*3*) for "The Provincial Government, with the previous sanction of the Central Government," substitute "The appropriate Government".

The Panth Piploda Excise Regulation, 1931.

(Central Regulation II of 1931)

Section 2.—Omit clause (*ii*) of sub-section (*1*).

In sub-section (*b*) of clause (*iii*) omit ", with the previous sanction of the Central Government,".

In clause (*iv*) for "British India" substitute "Part A States and Part C States".

In clause (*vi*) omit ", with the previous sanction of the Central Government,".

In clause (*x*) omit ", with the previous sanction of the Central Government,".

In sub-clause (*b*) of clause (xiv) omit ", with the previous sanction of the Central Government,".

Section 19.—In sub-section (*2*) omit ", with the previous sanction of the Central Government,".

The Panth Piploda Courts Regulation, 1931.

(Central Regulation IV of 1931)

Section 2.—For clause (*a*) substitute—

"(*a*) the High Court of Madhya Bharat;".

Omit section 3.

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Section 4.—For sub-section (*1*) substitute—

"(*1*) Such person as the State Government shall appoint shall be the District Judge.".

Section 7.—In clause (*b*) for "the Court of the Chief Commissioner" substitute "the High Court of Madhya Bharat".

For section 8 substitute—

"8. The High Court of Madhya Bharat shall, for the purposes of all enactments relating to criminal justice for the time being in force, be the High Court for Panth Piploda.".

High Court.

The Panth Piploda Land and Revenue Regulation, 1931.

(Central Regulation VIII of 1931)

Section 2.—In sub-clause (*2*) of clause (*b*) omit ", namely, the officer who is for the time being the Political Agent in the Southern States of Central India and in Malwa".

The Andaman and Nicobar Islands Fisheries Regulation, 1938.

(Central Regulation I of 1938)

Section 1.—In sub-section (*2*) for "Chief Commissioner's Province" substitute "State".

Sections 2 and 10.—For "His Majesty's Royal Navy or Royal Indian Navy" substitute "the Indian Navy".

Section 9.—For "His Majesty" substitute "the Central Government".

The Andaman and Nicobar Islands Motor Vehicles Tax Regulation, 1940.

(Central Regulation VIII of 1940)

Section 1.—In sub-section (*2*) for "Chief Commissioner's Province" substitute "State".

The Andaman Islands Opium Smoking Regulation, 1940

(Central Regulation X of 1940)

Section 1.—In sub-section (*2*) for "Chief Commissioner's Province" substitute "State".

The Andaman and Nicobar Islands Civil Courts Regulation, 1940.

(Central Regulation XI of 1940)

Section 1.—In sub-section (*2*) for "Chief Commissioner's Province" substitute "State".

The Andaman and Nicobar Islands Laws Regulation, 1945.

(Central Regulation V of 1945)

Section 1.—In sub-section (*2*) for "Chief Commissioner's Province" substitute "State".

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Section 2.—In clause (*c*) for "the whole of British India" substitute "all the territories for the time being comprised within Part A States and Part C States" and for "subject in British India" substitute "subject in those territories".

In the proviso for "particular Province" substitute "particular Part A State or Part C State".

The Andaman and Nicobar Islands Development Force Regulation, 1945.—

(Central Regulation VI of 1945)

Sections 1 and 4.—For "Chief Commissioner's Province" substitute "State".

Section 5.—In sub-section (*1*) for "Any British subject or any subject of an Indian State" substitute "Any citizen of India" and for "His Majesty's" substitute "the Indian".

The Andaman and Nicobar Islands Military Administration

(Indemnity) Regulation, 1946.

(Central Regulation I of 1946)

Section 1.—In sub-section (*2*) for "Chief Commissioner's Province" substitute "State".

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FOURTH SCHEDULE

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MADRAS REGULATIONS

The Indian Civil Service (Madras) Loans Prohibition Regulation, 1802.

(Madras Regulation XIX of 1802)

Long title.—For "Crown" substitute "Government".

The Madras Permanent Settlement Regulation, 1802.

(Madras Regulation XXV of 1802)

Long title, Preamble and sections 3 and 8.—Omit "British".

Section 6.—Omit "of their respective provinces".

The Madras Land Registration Regulation, 1802.

(Madras Regulation XXVI of 1802)

Long title.—Omit "British".

The Madras Karnams Regulation, 1802.

(Madras Regulation XXIX of 1802)

Long title.—Omit "British".

The Madras Board of Revenue Regulation, 1803.

(Madras Regulation I of 1803)

Section 8.—For "and Persian languages" substitute "Hindi and such other languages, if any, as may be specified by the State Government".

For Section 10 substitute—

Board to keep two sets of proceedings.

"10. The Board of Revenue shall keep two separate sets of their proceedings, one set for the broken periods to accompany the general report above ordered and the second set to be kept in the office. The Board of Revenue shall prepare and annex a copious index for the second set.".

Section 15.—For "the Native languages" substitute "the Indian languages".

The Madras Collectors Regulation, 1803.

(Madras Regulation II of 1803)

Section 60.—Omit "Native".

Section 65.—For "the British nation" substitute "the Government of India".

The Tanjore Police Regulation, 1816.

(Madras Regulation I of 1816)

In the Preamble for "Governor-in-Council" where it first occurs substitute "Government".

Throughout the Regulation including the Long title and Preamble, the word "Province" shall stand unmodified.

The Madras Village-Lands Disputes Regulation, 1816.

(Madras Regulation XII of 1816)

Sections 5 and 10.—For "principal Native Revenue officer of the District" substitute "Deputy Tahsildar".

The Madras Endowments and Escheats Regulation, 1817.

(Madras Regulation VII of 1817)

Preamble.—Omit "as well as by the British Government" and for "Provinces" substitute "territories".

Section 2.—For "Provinces" substitute "territories".

Section 16.—Omit "Native" in both places where it occurs.

The Madras Revenue Recovery (Military Proprietors) Regulation, 1817.

(Madras Regulation VIII of 1817)

Long title and section 9.—Omit "Native".

The Madras State Prisoners Regulation, 1819.

(Madras Regulation II of 1819)

Preamble.—For "Governor-in-Council" substitute "State Government".

After section 2 add—

"2A. *Communication of grounds of detention and opportunity of making representation.*—When any person is detained in pursuance of a warrant of commitment issued by the Government, the Government shall, as soon as may be, communicate to the State prisoner the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order:

Provided that nothing in this section shall require the Government to disclose facts which it considers to be against the public interest to disclose.".

The Madras Village Police Regulation, 1821.

(Madras Regulation IV of 1821)

Long title.—For "provinces" substitute "territories".

The Madras Revenue Malversation Regulation, 1822.

(Madras Regulation IX of 1822)

Section 2.—In clause *Third* omit "Native".

The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.

(Madras Regulation VII of 1828)

Section 4.—Omit "Native".

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The Madras Hindu Wills Regulation, 1829.

(Madras Regulation V of 1829)

Long title and section 4.—For "provinces" substitute "territories".

Preamble.—For "Natives" substitute "inhabitants".

The Madras Sati Regulation, 1830.

(Madras Regulation I of 1830)

Preamble.—Omit "British".

Section 3.—In clause *First* omit "Native" and in clause *Second* omit "of the Hindu religion".

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FIFTH SCHEDULE

Bombay Regulations

Bombay Regulation II of 1827.

In section 47 for "Natives or others" substitute "Persons" and for "the Crown or the Federal Railway Authority" substitute "Government".

Bombay Regulation IV of 1827.

Section 26.—After "Acts of Parliament" insert "of the United Kingdom" and for "Regulations" substitute "laws".

Bombay Regulation V of 1827.

Section 9.—For "under British jurisdiction" substitute "subject to this Act".

Bombay Regulation VIII of 1827.

Section 10.—For "Native" substitute "resident".

Bombay Regulation XXII of 1827.

Section 40.—Omit "British".

Bombay Regulation IV of 1827.

Preamble.—For "Governor-in-Council" substitute "State Government".

After section 1 add—

"1A. *Communication of grounds of detention and opportunity of making representation.*—When any person is detained in pursuance of a warrant of commitment issued by the Government, the Government shall, as soon as may be, communicate to the State prisoner the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order:

Provided that nothing in this section shall require the Government to disclose facts which it considers to be against the public interest to disclose.".

Section 10.—For "Provinces of Bombay and Sind as constituted under the Government of India Act, 1935" substitute "State of Bombay".

Bombay Regulation XXIX of 1827.

Preamble.—Omit "British".

Section 5.—For "the King in Council" substitute "the Supreme Court".

Bombay Regulation XIII of 1830.

Section 2.—Omit "or where one or the other is an European or American," and in Appendix A omit "or one or other of them shall not be an European or American".

SIXTH SCHEDULE

565

Bengal Regulations

The Bengal Permanent Settlement Regulation, 1793.

(Bengal Regulation I of 1793)

The Regulation shall stand unmodified. But, as respects anything done or to be done after the commencement of the Constitution, references to the Governor-General in Council shall be construed as references to the State Government except that, as respects that period, references to the making or adaptation of Regulations by the Governor-General in Council or the British Administrations shall be construed as references to the passing of the Acts of the State Legislature.

The Bengal Land-Revenue Regulation, 1793.

(Bengal Regulation II of 1793)

Section 1.—Omit "the British territories in" and for "British Administration" substitute "Government".

Section 5.—Omit "and Persian" and "Persian character and language, and the" and for "languages" substitute "language".

Section 6.—Omit "Persian".

Sections 9, 25, 26 and 33.—Omit "Native".

Section 15.—For "Native" where it occurs for the first time substitute "person" and omit "Native" where it occurs for the second time.

Section 16.—For "a Native officer" substitute "an officer".

The Bengal Decennial Settlement Regulation, 1793.

(Bengal Regulation VIII of 1793)

Section 14.—Omit "Native".

The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.

(Bengal Regulation XXXVIII of 1793)

Long title.—For "Crown" substitute "Government".

The Bengal Native Revenue-officers Regulation, 1794.

(Bengal Regulation III of 1794)

Throughout the Regulation including long title and short title omit "Native".

The Benares Permanent Settlement Regulation, 1795.

(Bengal Regulation I of 1795)

Long title and sections 1 and 2.—The word "Province" shall stand unmodified.

Section 3.—In clauses *First, Fourth, Fifth* and *Sixth,* the word "Province" shall stand unmodified.

In clause *Third* for "British India" substitute "Part A States and Part C States".

The Benares Family Domains Regulation, 1795.

(Bengal Regulation XV of 1795)

Section 1.—The word "Province" shall stand unmodified.

Section 3.—In clause *Second* omit "English" and "Hon'ble Company's" and for "Governor-General in Council" substitute "President".

The Benares Permanent Settlement (Supplemental) Regulation, 1795.

(Bengal Regulation XXVII of 1795)

Long title and Preamble.—The word "Province" shall remain unmodified.

Section 5.—For "Ruling Power" substitute "Government".

Section 6.—Omit "which have been passed by the British Administrations,".

The Benares Inheritance Regulation, 1795.

(Bengal Regulation XLIV of 1795)

Long title and Preamble.—The word "Province" shall stand unmodified.

The Bengal Revenue-free Lands Regulation, 1800.

(Bengal Regulation VII of 1800)

Section 19.—Omit "Native".

The Bengal Land-revenue Assessment Regulation, 1801.

(Bengal Regulation I of 1801)

Section 10.—Omit "Native".

The United Provinces Native Revenue-officers' Regulation, 1803.

(Bengal Regulation XXXIII of 1803)

Throughout the Regulation, including Short title, Long title and Preamble, omit "Native".

Long title.—The word "Provinces" shall stand unmodified.

The Cuttack Land-revenue Regulation, 1805.

(Bengal Regulation XII of 1805)

Section 36.—Omit "whether European or Native,".

The Cuttack Police Regulation, 1805.

(Bengal Regulation XIII of 1805)

Sections 1 and 2.—The word "Province" shall stand unmodified.

The Bengal Troops Transport and Travellers' Assistance Regulation, 1806

(Bengal Regulation XI of 1806)

Sections 1 and 8.—Omit "(whether European or Native)".

Section 3.—Omit "Native".

The Bengal Charitable Endowments, Public Buildings and Escheats Regulation, 1810.

(Bengal Regulation XIX of 1810)

Section 1.—For "Provinces" substitute "territories".

The Bengal Foreign Immigrants Regulation, 1812.

(Bengal Regulation XI of 1812)

Sections 1, 2 and 4.—For "the British territories" substitute "India" and for "His Majesty" substitute "the Government of India"

Section 5.—For "His Majesty" substitute "the Government of India" and omit ", whether Native British subjects or aliens,".

The Bengal Patwaris Regulation, 1817.

(Bengal Regulation XII of 1817)

Sections 29 and 30.—Omit "Native".

The Bengal Police Regulation, 1817.

(Bengal Regulation XX of 1817)

Section 29.—Omit "Native".

The Bengal State Prisoners Regulation, 1818.

(Bengal Regulation III of 1818)

Sections 1, 2, 7A and 12.—For "external affairs or relations with Acceding States" substitute "or foreign affairs".

After section 2 add—

"2A. *Communication of grounds of detention and opportunity of making representation.*—When any person is detained in pursuance of a warrant of commitment issued by the Government, the Government shall, as soon as may be, communicate to the State prisoner the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order:

Provided that nothing in this section shall require the Government to disclose facts which it considers to be against the public interest to disclose.".

Appendix.—For "external affairs or relations with Acceding States" wherever they occur substitute "or foreign affairs" and for "Governor-General" wherever it occurs substitute "Central Government".

The Bengal Land Revenue Assessment (Resumed Lands) Regulation, 1819.

(Bengal Regulation II of 1819)

Section 1.—For "Provinces" substitute "territories".

Section 28.—For "the Provinces and territories now subject to the British Government" substitute "the territories of India".

The Bengal Land-revenue Settlement Regulation, 1822.

(Bengal Regulation VII of 1822)

Preamble.—"Provinces" shall stand unmodified.

Section 5.—Omit "by the Native Governments or otherwise".

Section 7.—"Province" shall stand unmodified.

Section 24.—Omit "Native"

The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.

(Bengal Regulation VII of 1823)

Section 1.—Omit "of the Company".

Section 2.—Omit "Native".

The Bengal Troops Transport Regulation, 1825.

(Bengal Regulation VI of 1825)

Long title.—Omit "proceeding through the British territories".

Section 1.—For "Provinces" substitute "territories".

Section 2.—Omit "through any part of the British territories".

The Bengal Land Revenue Settlement Regulation, 1825.

(Bengal Regulation IX of 1825)

Section 1.—For "Provinces" in the expression "Provinces belonging to the Presidency of Fort William" substitute "territories" and in the rest of the section the word shall stand unmodified.

The Bengal Alluvion and Diluvion Regulation, 1825.

(Bengal Regulation XI of 1825)

Section 1.—For "Provinces" substitute "territories".

The Bengal Revenue-free Lands Regulation, 1825.

(Bengal Regulation XIV of 1825)

Sections 1 and 3.—For "Provinces" substitute "territories".

The Bengal Corruption and Extortion Regulation, 1827.

(Bengal Regulation III of 1827)

Long title.—Omit "Native".

The Bengal Land Revenue Assessment (Resumed Lands) Regulation, 1828.

(Bengal Regulation III of 1828)

Section 1.—For "Provinces" substitute "territories".

The Benares Family Domains Regulation, 1828.

(Bengal Regulation VII of 1828)

Sections 5 and 6.—The word "province" shall stand unmodified.

Sections 16 to 22—Omit "Native"

The Bengal Revenue Commissioners Regulation, 1829.

(Bengal Regulation I of 1829)

Section 1.—For "Provinces" substitute "territories".

Section 2.—In the proviso omit ", subject to the provisions of section 246 of the Government of India Act, 1935,".

The Bengal Sati Regulation, 1829.

(Bengal Regulation XVII of 1829)

Section 1.—Omit "British".

Section 3.—Omit "Native" and "of the Hindu religion".

(Bengal Regulation XI of 1831)

Section 1.—The word "provinces" shall stand unmodified.

Section 6.—For "Persian" substitute "Hindi".

The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833.

(Bengal Regulation IX of 1833)

Long title.—For "more extensive employment of native agency" substitute "appointment of Deputy Collectors".

Section 1.—For "natives" substitute "persons".

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

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NOTIFICATION.

No. L.D. 790—Legis. 6-50-13, dated Bangalore, the 21st June 1950.

Ordered that the accompanying Notification No. S. R. O. 76-A, dated 29th May 1950, under the Insurance (Amendment) Act, 1950, of the Ministry of Commerce—Insurance published in the *Gazette of India*, dated the 29th May, 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMERCE.

NOTIFICATION.

INSURANCE.

New Delhi, the 29th May 1950.

S. R. O. 76-A.—In exercise of the powers conferred by sub-section (2) of section 1 of the Insurance (Amendment) Act, 1950 (XLVII of 1950), the Central Government is pleased to appoint—

(1) the 1st day of June 1950, as the date on which sections 1 to 6 (inclusive), 8 to 15 (inclusive), 17 to 29 (inclusive) 34, 36, 38 to 42 (inclusive), 44, 46 to 50 (inclusive), 52 to 56 (inclusive), 58 to 60 (inclusive), 62 to 64 inclusive), and 66 of the said Act shall come into force, and

(2) the 1st day of September 1950, as the date on which the remaining sections of the said Act shall come into force.

[No. 101—Ins. E (3)/50.]

S. RANGANATHAN, Joint Secy.

NOTIFICATION. 571

No. L.D 797—Legis. 6-50-14, Bangalore, dated 22nd June 1950.

Ordered that the accompanying Notifications No. S.R.O. 83, 84 and 85, dated the 3rd June 1950 of the Ministry of Finance (Revenue Division)—Customs, published in the *Gazette of India*, dated the 3rd June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FINANCE (REVENUE DIVISION)

NOTIFICATIONS.

CUSTOMS.

New Delhi, the 3rd June 1950.

S.R.O. 83.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to direct that the following notifications of the Government of India in the late Finance Department (Central Revenues) shall be cancelled, namely :—

No. 82-Customs, dated the 17th November 1934 ;

No. 32-Customs, dated the 3rd June 1933 ; and

No. 28-Customs, dated the 4th November 1944.

[No. 51.]

S.R.O. 84.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division), No. 42-Customs, dated the 9th October 1948, namely :—

In the Schedule annexed to the said notification, for the words and figures "87 Raw Kapok" the words and figures "87 Raw Kapok, and Golpatta (leaf thatchings)" shall be substituted.

[No. 50.]

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S.R.O. 85.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the late Finance Department (Central Revenues), No. 33-Customs, dated the 22nd June 1935, namely :—

In Schedule I annexed to the said notification, the entries against Serial Nos. 32, 33, 35, 36, 37 and 50 shall be omitted.

[No. 47.]

D. P. ANAND, *Secy.*

NOTIFICATION.

No. L.D. 798—Legis. 6-50-15, Bangalore, dated 22nd June 1950.

Ordered that the accompanying Notifications No. S.R.O. 88, dated 3rd June 1950 and No. S.R.O. 89 and 90 and 91, dated 27th May 1950, and 3rd June 1950, respectively, of the Central Board of Revenue, published in the *Gazette of India*, dated the 3rd June 1950, be re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

CENTRAL BOARD OF REVENUE.

NOTIFICATIONS.

SALT.

New Delhi, the 3rd June 1950.

S.R.O. 88.—In exercise of the powers conferred by clause (b) of section 2 of the Central Excises and Salt Act, 1944 (I of 1944), and of other powers enabling in this behalf, the Central Board of Revenue is pleased to direct that its notification Nos. 24-Salt and 25-Salt, dated the 31st December 1938 shall be cancelled.

[No. 14.]

CUSTOMS.

New Delhi, the 27th May 1950. 573

S.R.O. 89—In exercise of the powers conferred by section 76 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of all previous notifications on the subject, the Central Board of Revenue is pleased to direct that the operation of the said section shall be suspended—

(*a*) in its entirety, in the port of Madras, and

(*b*) in the port of Calcutta and in all ports in the State of Madras, other than the port of Madras, in so far as it relates to the issue of Boat-notes for export of cargo.

[No. 46.]

New Delhi, the 3rd June 1950.

S.R.O. 90.—In exercise of the powers conferred by clause (c) of section 11 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue directs that the following further amendment shall be made in its notification No. 27-Customs, dated the 12th July 1950, namely :—

In the Schedule to the said notification, the entries relating to the Port of Vadarevu shall be omitted.

[No. 48.]

S.R.O. 91.—In exercise of the powers conferred by section 12 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue directs that the following amendments shall be made in its notification No. 9-Customs, dated the 4th February 1950, namely :—

In the said notification—

(1) item shall be omitted ; and

(2) items 2 to 6 shall be renumbered as items 1 to 5.

[No. 49.]

D. P. ANAND, *Secy.*

NOTIFICATION.

No. L.D. 799—Legis. 6-50-16, dated Bangalore, 22nd June 1950.

Ordered that the accompanying Notification No. S. R. O. 96, dated 24th May, 1950, of the Ministry of Railways (Railway Board) published in the *Gazette of India*, dated the 3rd June 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF RAILWAYS

(Railway Board)

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NOTIFICATION

New Delhi, the 24th May 1950

S.R.O. 96.—In exercise of the powers conferred by sub-section (2) of section 1 of the Indian Railways (Amendment) Act, 1949 (LVI of 1949), the Central Government is pleased to appoint the 1st day of August 1950 as the date on which sections 7 to 12 and section 16 of the said Act shall come into force.

[No. 4859-TC.]

S. S. RAMASUBBAN, *Secy.*

NOTIFICATION.

No. L.D. 800—Legis. 4-50-20, dated Bangalore, 22nd June 1950.

Ordered that the accompanying Notification No. S.R.O. 79, dated the 27th May 1950 of the Ministry of Home Affairs amending the Indian Arms Rules, 1924, published in the *Gazette of India*, dated the 3rd June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 27th May 1950.

S.R.O. 79.— In exercise of the powers conferred by section 17 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely :—

In the said Rules—

A. In sub-rule (1) of rule 33—

(i) after clause (a) the following clause shall be inserted, namely :—

" (aa) in the States of Manipur, Bhopal, Tripura and Vindhya Pradesh— by the Chief Commissioner ";

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(ii) for clause (c) the following clause shall be substituted, namly :—

"(c) in the case of a person residing in any of the States of Hyderabad, Mysore, Madhya Bharat, Patiala and East Punjab States Union, Rajasthan, Saurashtra and Travancore-Cochin—by the Chief Secretary to the Government of the State concerned."

(iii) In clause (b) of sub-rule (2), for the words "a Political Agent" the following words shall be substituted, namely :—

"the Chief Secretary or the Chief Commissioner concerned".

B. In Schedule VI—

For entries (11), (11A), (11B) and (11C) the following entries shall be substituted, namely :—

11.	(i) The Political Agent in Sikkim.	The States with which he is, in political relations and any territory within his administrative control.	(a) No licence shall be granted for the export of— (i) cannon, or (ii) military stores of any kind other than sulphur, or chlorates when required for the manufacture of matches, Bengal lights and paper caps for toy pistols, or (iii) save as hereinafter provided, such rifles, muskets, pistols or revolvers as are specified in clause (a) of sub-rule (1) of rule 7, or (iv) save as hereinafter provided, ball ammunition which can be fired from rifles of ·303 or ·450 bore or 8 m.m. calibre or from muskets of ·410 bore or from pistols or revolvers of ·441, ·455 or any intermediate bore and of ·38 bore or 9 m.m. calibre. (b) Licences for the export of rifles, muskets, revolvers or pistols of the bores specified in sub-head (iii) of head (a) may be granted to persons, or members of the classes, specified in Schedule I who are exempted in respect thereof; (c) licences for the export of cartridges may be granted to persons or members of the classes specified in Schedule I who are exempted in respect thereof, subject to the following conditions, namely :— (i) that, save in the case of cartridges for use with rifles of ·577/·450 and ·500/·450 bores, the number of such cartridges shall not exceed two hundred in any one year; and (ii) that the cartridges are for the personal use of the licensees.

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(ii) The Chief Secretaries to the Governments of the States of Saurashtra, Rajasthan, Madhya Bharat, Patiala and East Punjab States Union, Travancore-Cochin, Mysore and Hyderabad.	The State concerned.	Ditto.
(iii) The Chief Commissioners of Manipur, Bhopal, Tripura and Vindhya Pradesh.	Ditto.	Ditto.

C. In Schedule VIII—

In Forms XVI and XVI-A, below the words "Ambassador of India in Nepa and " Sub-Divisional Magistrate, district", respectively, the words " Chief Secretary Chief Commissioner " shall be added.

[No. 9/24/50-Police (1).]

S. P. MAHNA, *Asst. Secy.*

NOTIFICATION.

No. L.D. 801—Legis. 4-50-21, dated Bangalore, 22nd June 1950.

Ordered that the accompanying Notification No. S. R. O. 100 and 101, dated 29th May 1950 of the Ministry of Communications, published in the *Gazette of India*, dated the 3rd June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

NOTIFICATIONS

New Delhi, the 29th May 1950

S.R.O. 100.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Aircraft Rules, 1937, the same having been previously published as required by section 14 of the said Act, namely :—

For paragraph 6 of Section B of Schedule V to the said Rules the following shall be substituted, namely :—

"6. Where an aircraft is parked in the open, only half the housing charges specified in the table in paragraph 1 shall be levied: Provided that no parking charges shall be levied for the first twelve hours."

[No. 10-A/56-48.]

P. K. ROY, *Dy. Secy.*

POSTS AND TELEGRAPHS

New Delhi, the 29th May 1950

S.R.O. 101.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following amendments shall be made in the Indian Wireless Telegraph Rules, 1949, namely :—

In the said rules—

(i) in rule 4, for the words "who is neither a British subject domiciled in India nor a ruler or subject of an "Acceding State" the words "who is neither an Indian Citizen nor a citizen of the Commonwealth domiciled in India" shall be substituted;

(ii) in rule 14, for the words "who is neither a British subject domiciled in India nor a subject of an Acceding State" the words "who is neither an Indian citizen nor a citizen of the Commonwealth domiciled in India" shall be substituted;

(iii) in clause 9 of the second Schedule :—

(*a*) for the words, "I declare that I am a British subject by birth/naturalisation in " the words "I declare that I am a citizen of India/a citizen of the Commonwealth by birth/naturalisation in "shall be substituted,

(*b*) the words and brackets "subject of an Acceding State namely (name of State)" shall be omitted.

[No. T-2/248/49.]

A. V. PAI, *Secy.*

NOTIFICATION. S78

No. L.D. 808—Legis. 4-50-22, dated Bangalore, 23rd June 1950.

Ordered that the accompanying Administration of Evacuee Property (Central) Rules, 1949, published in the *Gazette of India*, dated the 16th December 1949, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

New Delhi, the 8th March 1950.

NOTIFICATION.

No. 14 (102) Cus/50.—In exercise of the powers conferred by Section 53 of the Administration of Evacuee Property Ordinance, 1949 (XXVII of 1949), the Central Government is pleased to direct that the following amendments shall be made in the Administration of Evacuee Property (Central) Rules, 1949, namely :—

In the said rules,—

1. To clause (iii) of rule 9 the following proviso shall be added, namely :—

"Provided that where the share of the evacuee in such property is more than one-half of the whole property, the possession of the whole property may be taken in the manner provided in sub-rule (1) or sub-rule (2), whichever is applicable."

2. In rule 11, the following clause shall be added, namely :—

"(iv) where such property is a running business or a share in such business, the Custodian may take possession of the stock-in-trade and other assets of the business and may further take such steps as he considers necessary either for the continuance or for the winding up of such business."

3. In sub-rule (5) of rule 13, the following words shall be added at the end, namely :—

"or for carrying out any other object of the Ordinance."

4. In sub-rule (5) of rule 19, for the words "where a business is the subject-matter of an enquiry, the allegation being that the business is evacuee property", the words "where the property to be attached is a business" shall be substituted.

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5. After rule 19 the following rule shall be added, namely :—

"19-A. *Procedure to be adopted for the preservation of property deemed to have been attached under sub-section* (2) *of section* 7 *of the Ordinance.*—(1) Where the property deemed to have been attached under sub-section (2) of section 7-of the Ordinance is tangible movable property other than the stock-in-trade of a running business, or in a share in such property, the Custodian may either take the property into his own custody or entrust it to a '*superdar*' on the latter furnishing security in form No. 5, provided that where the property is of a perishable nature or subject to speedy or natural decay, the Custodian may sell it forthwith and treat the sale proceeds as the property under attachment.

"(2) Where such property is a running business or a share in such business, the Custodian may take such steps for the temporary continuance of the business as he deems fit, having regard to the interests of all the parties concerned."

6. In rule 24, after sub-rule (2) the following sub-rule shall be added, namely :—

"(3) This rule applies to Part C States only."

7. In form No. 5, for the words "Governor-General of India" the words "President of India" shall be substituted.

T. D. SACHDEVA,
Under Secy. to the Govt. of India.

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at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. R. 3678—L.S. 85-49-26, dated Bangalore, the 22nd June 1950.

In exercise of the powers conferred by clause (1) of Article 9 of the Provinces and States (Absorption of Enclaves) Order, 1950, read with Section 5 of the Mysore Land Revenue Code, 1888, His Highness the Maharaja of Mysore is pleased to make the following order :—

The enclaves which were included in, and form part of the State of Mysore by virtue of Article 3 of the Provinces and States (Absorption of Enclaves) Order, 1950, shall form part of the existing revenue Districts of the State as specified in the annexure to this notification.

This Order shall be deemed to have come into force on the 25th day of January 1950.

By Order of His Highness the Maharaja,

SYED ABDUL ALEEM,
Secretary to Government,
Revenue Department.

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ANNEXURE.

Sl. No.	Names of the Asali villages	Names of Dakla villages	Names of Dakla villages in Kannada	District (of the province of Madras from which the villages are taken over)	Tahasli (of the province of Madras from which the villages are taken over)	District (of the State in which the villages are included)	Taluk (of the State in which the villages are included)	Hobli (of the State in which the villages are included)
1	2	3	4	5	6	7	8	9
1	Araleri. (ಅರಳೇರಿ)	1 Angasettihalli ...	ಅಂಗಶೆಟ್ಟಿಹಳ್ಳಿ ...	Salem ...	Hosur ...	Kolar ...	Malur ...	Malur
		2 Kundenahalli or Kurdanahalli.	ಕುಂದೇನಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		3 Upparahalli ...	ಉಪ್ಪಾರಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		4 Karikuchanahalli.	ಕರಿಕುಚ್ಚನಹಳ್ಳಿ ..	Do ...	Do ...	Do ...	Do ...	Do
		5 Jodi Garigidenahalli.	ಜೋಡಿಗರಿಗಿ ದೇನಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do
2	Rayasandiram. (ರಾಯಸಂದ್ರ)	1 Tolasanadoddi ...	ತೊಳಸನದೊಡ್ಡಿ ...	Do ...	Do ...	Do ...	Do ...	Masti
		2 Bypanahalli or Balapanahalli.	ಬೈಪನಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do
3	Tolasanapally. (ತೊಳಸನಪಲ್ಲಿ)	1 Turusandapally.	ತುರುಸಂಡಪಲ್ಲಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		2 Thirthbandapalli.	ತೀರ್ಥಬಂಡಪಲ್ಲಿ ...	Do ...	Do ...	Do ...	Do ...	Do
4	Ettakodi. (ಎಟ್ಟಕೋಡಿ)	...	...	Do ...	Do ...	Do ...	Do ...	Lakkur
5	Chowtikuntipalli. (ಚೌಟಿಕುಂಟಪಲ್ಲಿ)	1 Narasapuram ...	ನರಸಾಪುರಂ ...	Anantapur.	Do ...	Do ...	Gudibanda	Gudibanda
		2 Ambapuram ...	ಅಂಬಾಪುರಂ ...	Do ...	Do ...	Do ...	Do ...	Do

6	Madivalam. (ಮಡಿವಾಳಂ)	1	Adesonnahatti ...	ಅಡೇಸೊನಹಟ್ಟಿ ...	Salem ...	Hosur ...	Bangalore.	Anekal ...	Anekal ...
		2	Bandapuram ...	ಬಂಡಾಪುರಂ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		3	Settipalli ...	ಶೆಟ್ಟಿಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		4	Pathur ...	ಹಳೇಊರು ...	Do ...	Do ...	Do ...	Do ...	Do ...
7	Marasur. (ಮರಸೂರು)	1	Naganaikanapalli.	ನಾಗನಾಯ್ಕನಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		2	Inam Marasur Agraharam.	ಇನಾಂಮರಸೂರು ಅಗ್ರಹಾರ.	Do ...	Do ...	Do ...	Do ...	Do ...
8	Kotagarlahalli. (ಕೊಟಗಾರ್ಲಹಳ್ಳಿ)	1	Honnapura ...	ಹೊನ್ನಾಪುರ ...	Anantapur.	Madakasira	Tumkur ...	Madhugiri.	Dodderi ...
		2	Bheemanakunte.	ಭೀಮನಕುಂಟೆ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		3	Bullasamudram.	ಬುಳ್ಳಸಮುದ್ರ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		4	Badigondanahalli	ಬಡಿಗೊಂಡನಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		5	Virupagondana-hall.	ವಿರುಪಗೊಂಡನಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		6	Eerakyatana-palya.	ಈರಕ್ಯಾತನ ಪಾಳ್ಯ ...	Do ...	Do ...	Do ...	Do ...	Do ...
9	Jodi Sarajam-mana halli. (ಜೋಡಿಸರ್ಜಮ್ಮನ ಹಳ್ಳಿ)		.. ...	... ...	Anantapur.	Madakasira	Chitaldrug.	Hiriyur	Hiriyur ... ...
10	Kanjanahalli. (ಕಂಜನ ಹಳ್ಳಿ)	1	Bettur ...	ಬೆಟ್ಟೂರು ...	Do ...	Do ...	Do ...	Do ...	Do ...
		2	Bettagowdana-halli.	ಬೆಟ್ಟಗೌಡನಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		3	Burudakunte ...	ಬುರುಡುಗುಂಟೆ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		4	Palayam ...	ಪಾಳ್ಯಂ ...	Do ...	Do ...	Do ...	Do ...	Do ...
11	Nagodi. (ನಾಗೋಡಿ)	1	Holagaru ...	ಹೊಲಗಾರು ...	South Canara.	Coondapur.	Shimoga ...	Hosanagar.	Hosanagar.
		2	Gurute ...	ಗುರುಟೆ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		3	Halamane ...	ಹಾಲಮನೆ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		4	Karkamadi ...	ಕರ್ಕಮಡಿ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		5	Gachige ...	ಗಚಿಗೆ ...	Do ...	Do ...	Do ...	Do ...	Do ...
		6	Alagodu ...	ಅಳಗೋಡು ...	Do ...	Do ...	Do ...	Do ...	Do ...
		7	Halakodu ...	ಹಾಲಕೋಡು ...	Do ...	Do ...	Do ...	Do ...	Do ...

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ANNEXTURE.—*contd.*

Sl. No.	Names of the Asali village	Names of Dakla villages	Names of Dakla villages in Kannada	District (of the province of Madras from which the villages are taken over)	Tahasil (of the province of Madras from which the villages are taken over)	District (of the State in which the villages are included)	Taluk (of the State in which the villages are included)	Hobli (of the State in which the villages are included)
1	2	3	4	5	6	7	8	9
11	Nagodi. (ನಾಗೋಡಿ)	8 Nittoor ...	ನಿಟ್ಟೂರು ...	South Canara	Coondapur.	Shimoga ...	Hosanagar.	Hosanagar.
		9 Adikeseene ...	ಅಡಿಕೆಸೀನೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		10 Thumbekodlu ...	ತುಂಬೆಕೊಡ್ಲು ...	Do ...	Do ...	Do ...	Do ...	Do
		11 Sulagodu ...	ಸುಳಗೋಡು ...	Do ...	Do ...	Do ...	Do ...	Do
		12 Beeragere ...	ಬೀರಗೆರೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		13 Vatethundu ...	ವಾಟೆತುಂಡು ...	Do ...	Do ...	Do ...	Do ...	Do
		14 Kosandi ...	ಕೊಸನಾಡಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		15 Heggalamane ...	ಹೆಗ್ಗಳಮನೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		16 Ullumane ...	ಉಳ್ಳುಮನೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		17 Mani ...	ಮಾನಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		18 Attahalli ...	ಅಟ್ಟಹಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		19 Kullusunka ...	ಕಲ್ಲುಸುಂಕ ...	Do ...	Do ...	Do ...	Do ...	Do
		20 Hanabbi ...	ಹಾನಬ್ಬಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		21 Lakmane ...	ಲಕ್ಮನೆ ...	Do ..	Do ...	Do ...	Do ...	Do
		22 Esrikoppa ...	ಇಸ್ರಿಕೊಪ್ಪ ...	Do ...	Do ...	Do ...	Do ...	Do
		24 Hosalli ...	ಹೊನಳ್ಳಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		24 Belur ...	ಬೆಳ್ಳೂರು ...	Do ...	Do ...	Do ...	Do ...	Do
		25 Magalu ...	ಮಾಗಲು ...	Do ...	Do ...	Do ...	Do ...	Do
		26 Malekoppa ...	ಮಾಲೆಕೊಪ್ಪ ...	Do ...	Do ...	Do ...	Do ...	Do
		27 Kadavinamakki.	ಕಡವಿನಮಕ್ಕಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		28 Hulimane ...	ಹುಲಿಮನೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		29 Hosagadde ...	ಹೊಸಗದ್ದೆ ...	Do ...	Do ...	Do ...	Do ...	Do

12	Hebbige. (ಹೆಬ್ಬಿಗೆ)	1	Huklu ...	ಹುಕ್ಲು ...	Do	...	Do	...	Do	...	Do	...	Do
		2	Kodanalli ...	ಕೋಡನಹಳ್ಳಿ ...	Do	...	Do	...	Do	...	Do	...	Do
		3	Sallekoppa ...	ಸಳ್ಳೆಕೊಪ್ಪ ...	Do	...	Do	...	Do	...	Do	...	Do
		4	Gurutekai ...	ಗುರುಟೆಕೈ ...	Do	...	Do	...	Do	...	Do	...	Do
		5	Tudibasti ...	ತುದಿಬಸ್ತಿ ...	Do	...	Do	...	Do	...	Do	...	Do
		6	Rattalli ...	ರಟ್ಟಳ್ಳಿ ...	Do	...	Do	...	Do	...	Do	...	Do
		7	Hosamane ...	ಹೊಸಮನೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		8	Ambagere ...	ಅಂಬಗೆರೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		9	Kombinatalu ...	ಕೊಂಬಿನ ತಳಲು ...	Do	...	Do	...	Do	...	Do	...	Do
		10	Pura ...	ಪುರ ...	Do	...	Do	...	Do	...	Do	...	Do
		11	Balemane ...	ಬಾಳೆಮನೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		12	Ganjala ...	ಗಂಜಾಳ ...	Do	...	Do	...	Do	...	Do	...	Do
		13	Gantigemane ...	ಗಂಟಿಗೆ ಮನೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		14	Punajagere ...	ಪುಣಜಗೆರೆ ...	Do	...	Do	..	Do	...	Do	...	Do
		15	Bastigadde ...	ಬಸ್ತಿಗದೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		16	Honnarpete ...	ಹೊನ್ನಾರ್ ಪೇಟೆ ...	Do	...	Do	...	Do	...	Do	..	Do
		17	Uduche ...	ಉಡುಚೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		18	Kesaremane ...	ಕೆಸರೇಮನೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		19	Murugadde ...	ಮುರುಗದ್ದೆ ...	Do	...	Do	..	Do	...	Do	...	Do
		20	Guddalagodu ...	ಗುಡ್ಡಲ ಗೋಡು ...	Do	...	Do	...	Do	...	Do	...	Do
		21	Bylige ...	ಬೈಲಿಗೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		22	Daremane ...	ದರೇಮನೆ ...	Do	..	Do	...	Do	...	Do	...	Do
		23	Thumbagaru ...	ತುಂಬಗಾರು ...	Do	...	Do	...	Do	...	Do	...	Do
		24	Hadikai ...	ಹಾಡಿಕೈ ...	Do	...	Do	...	Do	...	Do	...	Do
		25	Hebbigemata ...	ಹಬ್ಬಿಗೆ ಮಠ ...	Do	...	Do	...	Do	...	Do	...	Do
		26	Rajeshrimane ...	ರಾಜೇಶ್ರೀಮನೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		27	Balehalli ...	ಬಾಳೇಹಳ್ಳಿ ...	Do	...	Do	...	Do	...	Do	...	Do
		28	Karehonda ...	ಕರೆಹೊಂಡ ...	Do	...	Do	...	Do	...	Do	...	Do
		29	Madalkai ...	ಮಾದಲಕೈ ...	Do	...	Do	...	Do	...	Do	...	Do
		30	Kyadigegere ...	ಕ್ಯಾದಿಗೆ ಗೆರೆ ...	Do	...	Do	...	Do	...	Do	...	Do
		31	Dyavalakoppa...	ದ್ಯಾವಲ ಕೊಪ್ಪ ...	Do	...	Do	...	Do	...	Do	...	Do

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ANNEXURE.—*concld.*

Sl. No.	Names of the Asali villages	Names of Dakla villages	Names of Dakla villages in Kannada	District (of the province of Madras from which the villages are taken over)	Tahasil (of the province of Madras from which the villages are taken over)	District (of the State in which the villages are included)	Taluk (of the State in which the villages are included)	Hobli (of the State in which the villages are included)
1	2	3	4	5	6	7	8	9
13	Kotesirur. (ಕೋಟೆಶಿರೂರು)	1 Kote ...	ಕೋಟೆ ...	South Canara.	Coondapur.	Shimoga.	Hosanagar.	Hosanagar.
		2 Sirur ...	ಶಿರೂರು ...	Do	Do ...	Do ...	Do ...	Do
		3 Lingadakai ...	ಲಿಂಗದಕೈ ...	Do ...	Do ...	Do ...	Do ...	Do
		4 Bhattaramakki Gujaripatti,	ಭಟ್ಟರಮಕ್ಕಿ ಗುಜರೀಪೇಟೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		5 Kabbinakodige.	ಕಬ್ಬಿನ ಕೋಡಿಗೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		6 Sallemane ...	ಸಳ್ಳೇ ಮನೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		7 Byasakallu ...	ಬೈಸಕಲ್ಲು ...	Do ...	Do ...	Do ...	Do ...	Do
		8 Honneramane ...	ಹೊನ್ನೇರ ಮನೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		9 Jaddinagadde ...	ಜಡ್ಡಿನಗದ್ದೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		10 Dandinamane ...	ದಂಡಿನ ಮನೆ ...	Do ...	Do ...	Do ...	Do ...	Do
		11 Kankodu ...	ಕಂಕೋಡು ...	Do ...	Do ...	Do ...	Do ...	Do
		12 Benahatti ...	ಬೆನಹಟ್ಟಿ ...	Do ...	Do ...	Do ...	Do ...	Do
		13 Koodige ...	ಕೂಡಿಗೆ ...	Do ...	Do ...	Do ...	Do ...	Do

No. E. 3041—Archy. 2-49-2, dated Bangalore, the 22nd June 1950.

Under Section 3 (i) of the Mysore Ancient Monuments' Preservation Act IX of 1925 and under the provisions of Notification No. E. 3555—Uni. 19-30, dated 5th March 1943, the Municipal Site No. 241 in Sriranga-patna is declared as a Class III—Ancient Monument.

Objections, if any, to the issue of this Notification may be submitted to Government within two months from the date when the Notification is fixed up near the monument.

By Order of His Highness the Maharaja.

No. T. 2274—R.T. 2-49-21, dated Bangalore, the 24th June 1950.

In exercise of the powers conferred by Section 45 of the Mysore Motor Vehicles and Road Traffic Act, 1944, His Highness the Maharaja is pleased to nominate Sri Haliah Aradhya, Member, District Board, Shimoga, resident of Kallihal, Bhadravati Taluk, to be an additional member of the District Traffic Advisory Committee, Shimoga, reconstituted in Government Notification No. T. 3425—R.T. 2-49-13, dated the 12th November 1949.

By Order of His Highness the Maharaja,

L. MUNISWAMY,

Secretary to Government,
Local Self-Govt. Department.

No. C. 379—Co. 16-50-2, dated Bangalore the 20th June 1950.

In exercise of the powers conferred by Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947, (XX of 1947), His Highness the Maharaja is pleased to direct that the following amendment shall be made in the Paper Control (Economy) Order, 1946, namely :—

In the said Order, the operation of clause 11 (2) (f) shall be suspended until further orders.

By Order of His Highness the Maharaja.

No S.R. 1706—W. & M. 4-50-5, dated Bangalore, 23rd June 1950.

ERRATUM.

The following correction to Notification No. S.R. 1257—W. & M. 4-50-3, dated 2nd June 1950, is notified for general information :—

Please *substitute* "Hosanagar" *for* "Hosadurga" appearing against serial No. 38.

By Order of His Highness the Maharaja.

No. 2154—C. 73-49-150, dated Bangalore, the 27th June 1950

In exercise of the powers conferred by Rules 75-A, 75-B and Rule 81 of the Defence of India Rules, as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, XX of 1947, the Government of Mysore are pleased to make the following amendment to the Articles of Food Acquisition (Harvest) Order, 1949, issued under Notification No. S.D. 4054—C. 73-49-4, dated 21st November 1949, and to direct with reference to sub-rule (1) of Rule 119 of the said rules that notice of the order shall be given by the publication of the same in the official Gazette and by the issue of a Press Note, *viz.*,

The following be included in Schedule III—purchase prices of foodgrains—of the Articles of Food Acquisition (Harvest) Order, 1949.

"Wheat—Rs. 31-8-0 per palla of 100 seers".

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,

Food and Agricultural Departments.

No. Fl. 2532 –G.F. 42-50-2, dated Bangalore, the 20th June 1950.

The draft of the following further amendments to the Government Securities Rules, 1925, which it is proposed to make in exercise of the powers conferred by section 23 of the Government Securities Act, 1925 (Mysore Act VIII of 1925) is hereby published for the information of all persons likely to be affected thereby as required by the said section.

Notice is hereby given that the draft amendment will be taken into consideration after a week from the date of publication of this notification in the *Mysore Gazette.*

Objections or suggestions, if any, to the said draft may be forwarded to the Secretary to Government, Finance Department, for consideration so as to reach him before the said period.

Draft.

1. In Rule 1 (2) of the said Rules, the words "His Highness the Maharaja of" shall be omitted.

2. For clause (b) of Rule 2 (1) of the said Rules, the following clause shall be substituted, *viz.*,—

"(b) 'Comptroller' means "the Accountant-General for Mysore, Bangalore."

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. Fl. 2749—S.T. 4-50-11, dated Bangalore, the 22nd June 1950.

In exercise of the powers conferred by Section 6 of the Mysore Sales-Tax Act, 1948, (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that "Druggets" made of handspun yarn and woven on hand looms shall be exempt from the payment of tax leviable under the said Act, in the whole of Mysore State, subject to such conditions in respect of license and license fees as have been prescribed for the sale of Cotton and Cotton yarn (other than handspun yarn) under Rules 5 and 6 of the Mysore Sales-Tax Rules, 1948.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Financial Department.

No. S.R. 1594—St. 28-49-2, dated Bangalore, the 20th June 1950.

In exercise of the powers conferred by Section 9 of the Mysore Stamp Act, 1900 (Mysore Act No. II of 1900), His Highness the Maharaja of Mysore is pleased to make the following order, namely :—

The duties chargeable under the said Act, in respect of *mutchalikas* to be executed by raiyats in favour of "The Mysore Tobacco, Co., Ltd., Bangalore City" in connection with the cultivation and curing of tobacco shall be remitted for a period of three years from the date of this order.

By Order of His Highness the Maharaja.

No. L.S. 1087—L.W. 71-50-7, dated Bangalore, the 27th June 1950.

Whereas the services of *Adl-ul-Mulk* C. Abdul Ghani, Chairman of the Industrial Tribunal constituted in Notification No. L.S. 675-85—L.W. 71-50-6, dated 30th May 1950, have ceased to be available for some time on account of his illness.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 8 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore is pleased to appoint *Rajadharmaprasakta* A. R. Nageswara Iyer, B.A., B.L., retired Judge, High Court of Mysore, and Member of the said Tribunal, as the Chairman of the said Tribunal.

The Tribunal thus reconstituted with the new Chairman and *Rajadharmaprasakta* T. Singaravelu Mudaliar, B.A., B.L., as the other Member, will continue to function as the Tribunal and dispose of the proceedings pending before it, until further orders.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. M. 5157—Census 4-50-2, dated Bangalore, the 20th June 1950.

In pursuance of Section 2 of the Mysore Census Act, 1949, (Mysore Act XXIII of 1949), His Highness the Maharaja of Mysore is pleased to declare that a Census of the population of the State of Mysore shall be taken between 9th February 1951 and 1st March 1951.

By Order of His Highness the Maharaja.

No. M. 5153 –Census 4-50-3, dated Bangalore, the 20th June 1950.

In exercise of the powers conferred by Section 11 of the Mysore Census Act, 1949, (Mysore Act XXIII of 1949), His Highness the Maharaja of Mysore is pleased to authorise the following authorities for the purposes of the said Section within their respective jurisdictions, namely—

(1) Deputy Commissioners of Districts,

(2) Commissioner, City of Bangalore Municipal Corporation,

(3) Municipal Commissioner, City Municipality, Mysore,

(4) Municipal Commissioner, City Municipal Council, Davangere,

(5) President, Kolar Gold Field Sanitary Board.

By Order of His Highness the Maharaja.

No. M. 5212—Census 4-50-2, dated Bangalore, the 21st June 1950.

In exercise of the powers conferred by Section 16 of the Mysore Census Act, 1949 (Mysore Act No. XXIII of 1949), His Highness the Maharaja of Mysore is pleased to direct that the whole of the expenses incurred for the items noted *below done in accordance with the said Act or the rules framed thereunder shall be charged to the Municipal, District Board or Village Panchayet Funds or funds of the Sanitary and Town Boards, as the case may be, constituted for, and on behalf of, the area within which such expenses are incurred :—

*a. House numbering in connection with the Census.

b. Travelling allowance of officers of local bodies for journeys undertaken in connection with the Census.

c. Preparation of the National Register of Citizens (excluding scriptory charges) prescribed by the Census Commissioner of India.

By Order of His Highness the Maharaja,

GEORGE MATTHAN,

Additional Secretary to Government.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, FRIDAY, JUNE 30, 1950.

PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L. D. 934—Legis. 6-50-17, dated Bangalore, 29th June 1950.

Ordered that the accompanying Notification No. 17-I—50-C, dated 20th June, 1950 of the Parliament Secretariat setting up the Advisory Committees in connection with the delimitation of constituencies, published in the *Gazette of India*, dated the 20th June, 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

PARLIAMENT SECRETARIAT.

NOTIFICATION

New Delhi, the 20th June 1950.

No. 17-I/50-C.—In exercise of the powers conferred by sub-section (1) of section 13 of the Representation of the People Act, 1950 (Act No. XLIII of 1950),

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the Speaker is pleased to set up the following Advisory Committees in connection with the delimitation of constituencies in respect of each Part A State, Part B State and Part C State specified below :—

PART A.—STATES

* * *

PART B.—STATES

* * *

MYSORE

1. Shri T. Channiah.
2. Shri K. Hanumanthaiya.
3. Shri M. V. Rama Rao.
4. Shri G. R. Ethirajulu Naidu.

PART C—STATES

* * *

M. N. KAUL,
Secretary.

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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE

NOTIFICATION

No. L. D. 584—Legis. 2-50-16, dated Bangalore, 27th May 1950.

Ordered that the accompanying Displaced Persons (Claims) Act, 1950 (XLIV of 1950) published in the *Gazette of India*, dated the 20th May 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

(*Received assent on 18th May* 1950)

THE DISPLACED PERSONS (CLAIMS) ACT, 1950. [XLIV OF 1950.]

AN

ACT

to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan.

BE it enacted by Parliament as follows :—

1. *Short title, extent and duration.*—(*1*) This Act may be called the Displaced Persons (Claims) Act, 1950.

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(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall remain in force for a period of two years only.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "claim" means the assertion of a right to the ownership of, or to any interest in,—

(i) any immovable property in West Pakistan which is situate within an urban area, or

(ii) such class of property in any part of West Pakistan other than in any urban area as may be notified by the Central Government in this behalf in the Official Gazette;

(b) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has, after the 1st day of March 1947 left, or been displaced from, his place of residence in such area and who has been subsequently residing in India and includes any person who is resident in any place in India and who for that reason is unable or has been made unable to manage, supervise or control any immovable property belonging to him in Pakistan;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "urban area" means any area within the limits of a corporation, a municipality, a municipal committee, a notified area committee, a town area, a small town committee or a cantonment, as those limits existed on the 15th day of August, 1947;

(e) "West Pakistan" means the territories of Pakistan excluding the Province of East Bengal.

3. *Appointment of Registering Officers, etc.*—(1) The Central Government may, by notification in the Official Gazette, appoint as many Registering Officers as may be necessary for the purpose of registering claims and every Registering Officer shall exercise his functions in such area or areas as may be specified in the notification.

(2) A Registering Officer may, for the purpose of discharging his functions under this Act, appoint as many assistant registering officers as he may consider necessary and an assistant registering officer shall, subject to the general superintendence and control of the Registering Officer, have all the powers of a Registering Officer under this Act.

4. *Power to appoint the Chief Claims Commissioner, etc.*—(1) The Central Government may, by notification in the Official Gazette, appoint a Chief Claims Commissioner, a Joint or Deputy Chief Claims Commissioner, and as many Claims Commissioners and Claims Officers as may be necessary for the purpose of discharging the duties imposed on them by or under this Act, and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.

(2) Subject to the provisions of this Act, the Joint or Deputy Chief Claims Commissioner, all Claims Commissioners and Claims Officers, shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Chief Claims Commissioner.

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5. *Registration of claims.*—(*1*) A displaced person may, within such time, in such form and on payment of such fee as may be prescribed, submit his claim to a Registering Officer in the prescribed manner for the registration of such claim.

(*2*) On receipt of a claim under sub-section (*1*), the Registering Officer shall register the claim in the prescribed manner and forward the relevant papers to the Central Government or to an officer designated by the Central Government for this purpose.

6. *Jurisdiction of Claims Officers.*—(*1*) A Claims Officer shall have jurisdiction to decide such cases or such classes of cases as may, by general or special order, be transferred to him by the Central Government or by an officer empowered in this behalf by the Central Government.

(*2*) A Claims Officer shall hold a summary inquiry into the cases transferred to him and, after taking such evidence and examining such documents, as may be necessary, pass such orders as he thinks fit in relation to the verification of the claim and the valuation of such claim.

(*3*) The decision of the Claims Officer shall be final:

Provided that the Chief Claims Commissioner may call for the record of any case which has been decided by the Claims Officer and may make such order in the case as he thinks fit and no order varying the decision of the Claims Officer shall be made without giving the person concerned an opportunity of being heard.

7. *Powers of Claims Officers.*—(*1*) The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner, or a Claims Commissioner or Claims Officer shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) requisitioning any public record from any court or office;

(*d*) issuing commissions for the examination of witnesses;

(*e*) appointing guardians or next friends of any person who is a minor or of unsound mind;

(*f*) any other matter which may be prescribed.

(*2*) A Claims Officer may, if he so thinks fit, and shall, if so required by the Chief Claims Commissioner, appoint one or more persons as assessors to advise him in any proceeding before him.

(*3*) The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner, a Claims Commissioner and a Claims Officer shall be deemed to be a civil court for the purpose of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and any proceeding before any such Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

8. *Power to transfer cases.*—The Central Government or the Chief Claims Commissioner may, by order in writing, at any stage transfer any case pending before a Claims Officer to another Claims Officer and the Claims Officer, to

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whom the case is so transferred, may, subject to any special direction in the order of transfer, proceed from the stage at which it was so transferred.

9. *Certain officers to be public servants.*—The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner and all Claims Commissioners, Claims Officers, Registering Officers and assistant registering officers appointed under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

10. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction in respect of any matter which the Chief Claims Commissioner or the Claims Officer is empowered by or under this Act, to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

11. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or any person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

12. *Penalty.*—Any person who—

(*a*) submits, in respect of his claim under this Act, any information which he knows or has reason to believe to be false or which he does not believe to be true, or

(*b*) submits his claim to more than one Registering Officer,

shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

13. *Penalty for abetment.*—Any person who abets any of the offences punishable under this Act shall be punishable with the punishment provided for the offence.

14. *Cognizance of offences by courts.*—No court shall take cognizance of any offence punishable under this Act save upon complaint in writing made by an officer authorised by the Central Government by general or special order in this behalf.

15. *Delegation of powers.*—(*1*) The Central Government may, by general or special order, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chief Claims Commissioner.

(*2*) Subject to the provisions of this Act and the rules made thereunder, the Chief Claims Commissioner may delegate all or any of his powers under this Act to the Joint or Deputy Chief Claims Commissioner or any Claims Commissioner as may be specified by the Chief Claims Commissioner.

16. *Power to make rules.*—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form and manner in which claims may be submitted by displaced persons to Registering Officers ;

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(*b*) levy of fee, subject to such exceptions, if any, in respect of any claim which may be submitted under section 5;

(*c*) the manner in which claims may be registered;

(*d*) the manner in which any inquiry may be held by Claims Officers, Claims Commissioners, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner; the procedure to be followed by Claims Officers, Claims Commissioners, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner;

(*e*) the powers vested in a civil court which may be exercised by a Claims Officer, Claims Commissioner, the Joint or Deputy Chief Claims Commissioner or the Chief Claims Commissioner while holding any inquiry under this Act;

(*f*) any other matter which has to be, or may be, prescribed under this Act.

17. *Repeal of Ordinance V of 1950.*—(*1*) The Displaced Persons (Claims) Ordinance, 1950 (V of 1950) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

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at the Government Press, Bangalore.

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ERRATUM.

No. 936 dated Bangalore, the 28—29th June 1950.

ACTS OF PARLIAMENT.

THE REPRESENTATION OF THE PEOPLE ACT, 1950

(ACT. No. XLIII OF 1950).

At page 2 of Part IV—Section 1-B of the *Mysore Gazette*, Extraordinary dated 24th May 1950, for the word "clauses" occurring in the heading "Arrangement of clauses" and for the word "clause" occurring immediately below the heading "Preliminary", read "Sections" and "Section," respectively.

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

PART IV

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Section I-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 789—Legis. 4-50-19, Bangalore, dated 21st June 1950.

Ordered that the accompanying Notification No. S. R. O. 76, dated 27th May 1950, of the Ministry of Rehabilitation publishing the Displaced Persons (Registration of Claims) Rules, 1950, published in the *Gazette of India*, dated the 27th May, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION

NOTIFICATION.

New Delhi, the 27th May 1950.

S. R. O. 76.—In exercise of the powers conferred by Section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to make the following rules, namely :—

1. *Short title.*—These Rules may be called the Displaced Persons (Registration of Claims) Rules, 1950.

2. *Definitions.*—In these rules—

(*a*) "Act" means the Displaced Persons (Claims) Act, 1950;

(*b*) "Chief Claims Commissioner" includes the "Joint Chief Claims Commissioner".

(*c*) "form" means a form specified in Schedule I.

(*d*) "Schedule" means a schedule annexed to these rules.

(*e*) the expressions "claims" and "displaced person" have the meanings respectively assigned to them in the Act.

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3. *Submission of claim.*—(1) A Displaced Person may, within three months' from the date of public notice inviting claims, submit a claim in the appropriate form to the Registering Officer of the area where such displaced person ordinarily resides.

(2) The signature of the Displaced Person on every such claim shall be attested by—

(*a*) a magistrate or a justice of the peace, or

(*b*) a gazetted officer, or

(*c*) a member of a Parliament or a State Legislature, or

(*d*) a member of a district board, a municipal committee, or an oaths commissioner.

(3) Every such claim shall be presented in person or through an agent and, in the case of a minor or other person under a disability, through a guardian or the next friend.

4. A claim under this rule shall be accompanied by a Treasury receipt or a Crossed Indian Postal Order payable to the Joint Chief Claims Commissioner for the amount of the fee, specified in Schedule II.

5. *Duties of Registering Officers.*—(1) Where a Registering Officer has received a claim under rule 3, he shall scrutinise it and if the claim is in the proper form he shall register it in a register to be called the Register of Claims.

(2) Where the Registering Officer is of the opinion that the claim is not in proper form, he may return it to the displaced person for complying with such objections and within such period as the Registering Officer may, by order, specify.

(3) Where a claim has been represented after compliance with the objections, the Registering Officer shall Register it in the manner provided in sub-rule (1).

(4) Where a Registering Officer has registered a claim under this rule he shall give a receipt in respect thereof to the displaced person concerned and shall forward the relevant papers to the Chief Claims Commissioner.

6. *Directions by the Chief Claims Commissioner.*—(1) The Chief Claims Commissioner may, from time to time, issue directions to the Registering Officers regarding the manner in which they are to discharge their functions under the Act or these rules, and every such Registering Officer shall carry out such directions.

(2) Without prejudice to the generality of the foregoing provision the Chief Claims Commissioner may prescribe the qualifications for appointment of Assistant Registering Officers.

SCHEDULE I.

CLAIM UNDER SECTION 5 OF THE DISPLACED PERSONS (CLAIMS) ACT, 1950.

(TO BE FILLED BY THE CENTRAL CLAIMS OFFICE):—

Registration No. (*).....

Index No. (*).....

RELATING TO—

Province/State .....

District.....

Town/Tehsil .....

Name of Applicant .....

Father's (husband's) guardian's/name †

.....

Full Postal address of applicant ‡

.....

To

The Registering Officer,

SIR,

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Having acquainted myself/ourselves with the provisions of section @ 12 of the Displaced Persons (Claims) Act, 1950. I/we submit the following claim in respect of immovable property held by me/us or by.....in West Pakistan. I/we solemnly declare that the particulars stated in this claim are true and correct to the best of my/our knowledge and belief, and that I/we have not submitted any other claim on my/our/his/their behalf under the Displaced Persons (Claims) Act, 1950. I/we have paid the sum of Rs.

on account of fee *vide* Treasury Receipt / Postal Order No. dated

Yours faithfully.

Dated.....

Place.....

Signature

Date

Designation

Address

SUMMARY SCHEDULE OF PROPERTY CLAIMED.

To be filled by the applicant						To be filled by the Central Claims Office		
Sl. No.	Province / State	District/ Tehsil	Town/ Village	Brief description of property; residence; shop; industrial undertaking; urban plot, rural buildings, agricultural land, etc.	Estimated value.	Despatch number for verification. (*)	Value assessed by Claims Office. (*)	Remarks. (*)
1	2	3	4	5	6	7	8	9

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GENERAL PARTICULARS TO BE FILLED IN BY EVERY PERSON MAKING A CLAIM.

1. Have you sold any property in Pakistan after 1-3-1947; if so, give brief particulars of property, person to whom sold and the amount for which sold.	
2. Have you exchanged any property in Pakistan after 1-3-1947 with property in India? If so, give brief particulars of properties exchanged, name and address of person with whom exchanged and approximate value of the property exchanged and the property with which it is exchanged.	
3. Have you paid any income-tax in Pakistan? If so, give the following particulars:— (a) State the amount of income-tax paid during each of the last three financial years. (b) The amount of income-tax assessed in Pakistan and not paid. (c) The years for which income-tax has not been assessed in Pakistan and the estimated amount of income-tax due for each of those years.	
4. Have you obtained any Rehabilitation benefits from the Central or a State Government or any other authority *e.g.*, loans, maintenance allowance, grants scholarships, house, plot, training, etc. If so, give particulars.	
5. Do you own immovable property in India? If so, give particulars and state whether the property was acquired before 15th August 1947 or after that date.	
6. If the claim is on behalf of some person other than the applicant, give full particulars.	

* Not to be filled in by the applicant.

† To be given only in the case of widows, married women or minor children, as the case may be.

‡ All communications regarding this claim will be sent to the claimant at this address. Any change of address of the applicant should be notified to the Chief Claims Commissioner.

@ See directions 2 and 3.

FORM "A"

(FOR BUILDINGS, INCLUDING PLOTS IN URBAN AREAS OTHER THAN THOSE RELATING TO INDUSTRIAL UNDERTAKINGS)

(TO BE FILLED BY THE CENTRAL CLAIMS OFFICE):—

Registration No. (*).....

Property No. (*) .....

Index No. (*) .....

RELATING TO:—

Province/State .....

District.....

Town/Tehsil .....

Name of Applicant .....

Father's (husband's/guardian's) name †

.....

Full postal address of applicant ‡

.....

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1. General description (*e.g.*, residence, shop, office. combined shop and residence, urban plot); state type of construction (*e.g.*, whether the building is built in stone, rainforced concrete, brick and cement mortar, brick and mud mortar; whether floors are of cement, or of bricks or katcha, whether the house is electrified, has sanitary fittings, etc.).	
2. Address and location (indicate municipal number, street, road, mohalla, etc.).	
3. (a) Total area of premises (App. in Sq. Yds.) (b) Total built up area (App. in Sq. Yds.). (c) Total number of floors (storeys). (d) Total number of rooms.	
4. Use to which property was put at date of partition or time of abandonment (*e.g.*, residence, shop, office, etc.). If leased, state name and address of lessee, showing the monthly rent charged.— (a) in 1939-40 ... ... (b) in 1946; or ... ... (c) on any other date if the property was not leased on the aforementioned dates.	
5. Nature and extent of applicant's interest in property.	
6. How did applicant acquire his interest in property (fnheritance, purchase, gift etc.)?	
7. If purchased, state name and address of vendor, date of purchase and the purchase amount.	
8. If the building has been constructed by the applicant himself, then state the year and cost of construction (give cost of land and buildings separately).	
9. If the applicant has obtained the property by inheritance or by purchase and has subsequently made additions, alterations or renovation, state the nature and extent, year in which carried out and the cost of such additions, alterations or renovation.	
10. If any taxes were paid on the property, state the rate at which taxes were paid and to what authority. Also state any other relevant information *e.g.*, the capital value or annual rental value on which the municipal assessments, etc., were based.	
11. If property was insured, state type of insurance, value insured against, and name and address of the insurance company. ...	
12. State the nature and amount of charge or encumbrance on the property, if any.	

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13. If the property was at any time subject to negotiations for sale, state name and address of intending purchaser and amount of purchase money offered.

14. Estimated value in 1946 of—
(a) Site;
(b) Building;
(c) Total.

15. What documentary evidence can you produce in support of your claim? (Documents will be called for at time of verification).

(*) Not to be filled in by the applicant.

† To be given only in the case of widows, married women or minor children, as the case may be.

‡ All communications regarding this will be sent to the claimant at this address. Any change of address of the applicant should be notified to the Central Claims Office.....

VERIFICATION OF CLAIM.

(TO BE FILLED IN BY CLAIMS OFFICER).

1. Date of verification.....
2. Nature of verification.....
3. Value assessed .....
4. Remarks .....

Date.....

Place.....

Signature.....

Claims Officer.

FORM "B"

(FOR BUILDINGS IN OTHER THAN URBAN AREAS, THE ESTIMATED COST OF CONSTRUCTING WHICH AT PRESENT PREVAILING RATES IS NOT LESS THAN Rs. 20,000.)

(TO BE FILLED BY THE CENTRAL CLAIMS OFFICE),—

Registration No. (*).....

Property No. (*).....

Index No. (*).....

RELATING TO—

Province/State .....

District.....

Town/Tehsil .....

Name of Applicant .....

Father's (husband's guardian's) name † .....

Full postal address of applicant ‡ .....

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1. General description (*e.g.*, residence, shop, office, combined shop and residence; state type of construction (*e.g.*, whether the building is in stone, reinforced concrete, brick and cement mortar, brick and mud and mortar; whether floors are of cement, or of bricks or kacha whether the house is electrified, has sanitary fittings, etc.)

2. Address and location.

3. (*a*) Total area of premises (App. in square yards).
(*b*) Total built up area (App. in square yards).
(*c*) Total number of floors (storeys).
(*d*) Total number of rooms.

4. Use to which property put at date of partition (*e.g.*, residence, shop, office, etc.). If leased, state name and address of lessee, showing the monthly rent charged—
(*a*) in 1939-40;
(*b*) in 1946;
(*c*) on any other date if the property was not leased on the aforementioned dates.

5. Nature and extent of applicant's interest in property.

6. How did applicant acquire his interest in property (inheritance, purchase, gift, etc.).

7. If purchased, state name and address of vendor, date of purchase, and the purchase amount.

8. If the building has been constructed by the applicant himself, then state the year and cost of construction.

9. Cost incurred on construction (Give cost of land and buildings separately). If the applicant has obtained the property by inheritance or by purchase and has subsequently made additions, alterations or renovations, state the nature and extent, year in which carried out and the cost of such additions, alterations or renovation.

10. If property was insured, state type of insurance, value insured against, and name and address of the insurance company.

11. State the nature and amount of charge or encumbrance on the property, if any.

12. If the property was at any time subject to negotiations for sale, state (name and address of intending purchaser and) amount of purchase money offered.

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13. Estimated value in 1946 of—

(a) Site;

(b) Building;

(c) Total.

14. What documentary evidence can you produce in support of your claim? (Documents will be called for at time of verification).

VERIFICATION OF CLAIM

(TO BE FILLED IN BY THE CLAIMS OFFICER).

1. Date of verification.....
2. Nature of verification.....
3. Value assessed.....
4. Remarks.....

Date.....

Place.....

Signature.....

Claims Officer.

(*) Not to be filled in by the applicant.

† To be given only in the case of widows, married women or minor children, as the case may be.

‡ All communications regarding this claim will be sent to the claimant at this address. Any change of address of the applicant should be notified to the Central Claims Office.....

FORM 'C'

(FOR INDUSTRIAL UNDERTAKINGS, INCLUDING BUILDINGS, AND LAND COMPRISED THEREIN).

Note:—In case of joint-stock companies or private limited companies, the companies themselves will have to make the claim.

(TO BE FILLED BY THE CENTRAL CLAIMS OFFICE)

Registration No. (*).....

Property No.....

Index No.....

RELATING—

Province/State.....

District.....

Town/Tehsil.....

Name of applicant.....

Father's † (husband's/guardian's) name @.....

Full postal address of applicant‡.....

1. Name of undertaking.

2. Address and location.

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3. General description (*e.g.*, cotton mill, oil press, etc.). State type of construction (*e.g.*, whether the building is in stone, reinforced concrete, brick and cement mortar, Brick and Mud Martar; whether floors are of cement; or of brick, or kacha; whether the building is electrified, etc.).

4. Nature and extent of applicant's interest in undertaking.

5. How did applicant acquire his interest in property (inheritance, purchase, gift, etc.).

6. If purchased, state name and address of vendor, date of purchase and the purchase amount.

7. If the building has been constructed by the applicant himself, then state the year and cost of construction. (Give cost of land and buildings separately.)

8. If the applicant has obtained the property by inheritance or by purchase and has subsequently made additions alterations or renovation, state the nature and extent, year in which carried out and the cost of such additions, alterations or renovations

9. If undertaking belongs to a partnership, give names of partners, their respective shares and their present addresses.

10. If undertaking held or given on lease, state particulars and period and terms of lease.

11. If the undertaking was at any time subject to negotiations for sale, state name and address of intending purchaser and the amount of purchase money offered.

12. Did undertaking operate throughout the year? If it was seasonal state average number of weeks for which it worked during the year.

13. Number of workers employed ... ...

14. Area of premises (in sq. yds.) ... ...

15. Built up area (in sq. yds.) ... ...

16. Tenure of land on which the undertaking is ...

17. Fixed plant and machinery (if necessary, attach separate sheet):

Description (1)	Capacity (2)	Number of units (3)	Cost per unit (4)

18. Give statistics for 3 years preceding partition for—
    (a) Annual output
    (b) Value of turnover.
    (c) Gross profit.
    (d) Net profit.

19. Give statistics for 3 years preceding partition for—
    (a) Quantity of raw materials used.
    (b) Value of raw materials used.

20. Give details of central, provincial and local taxes paid on the undertaking during 3 years preceding partition.

21. If the property was insured, state type of insurance, value insured against and name and address of the Insurance Company.

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22. Estimated value in 1946 of—
    (a) Site,
    (b) Building.
    (c) Fixed machinery.
    (d) Total.

23. What documentary evidence can you produce in support of your claim ? (Documents will be called for at time of verification.)

* Not to be filled in by the applicant.

† To be given only in the case of widows, married women or minor children, as the case may be.

‡ All communications regarding this claim will be sent to the claimant at this address. Any change of address of the applicant should be notified to the Central Claims Office.....

VERIFICATION OF CLAIM

(To be filled by the Claims Officer)

1. Date of verification.....
2. Nature of verification.....
3. Value assessed .....
4. Remarks.....

Date.....

Place .....

Signature.. .....

Claims Officer,

FORM 'D'

(FOR AGRICULTURAL LAND IN ANY PART OF WEST PAKISTAN OTHER THAN WEST PUNJAB).

(TO BE FILLED IN BY THE CENTRAL CLAIMS OFFICE)

Registration No. (*) .....

Property No. (*) .....

Index No. (*) .....

Hadbast number of village (*).....

RELATING TO—

Province/State .....

District.....

Tehsil .....

Name of estate .....

Name of hamlet (Dakhil-Deh) in which land situated.....

Nearest town .....

Distance from the nearest town .....

Name of applicant.....

Father's (husband's or guardian's) name † .....

Full postal address of applicant†.

Area claimed (Applicant's own share only should be stated)

Class of land Hoki or Barani or what canal irrigated (nehri perennial, nehri non-perennial, chahi barani, sailabi, banjar (1) jadid, qadim or ghair mumkin) 1	Area (in local units which should be indicated) 2	Area in acres, Kanals, Marlas Ghantas 3	Rights held (ownership, occupancy, inferior ownership, mortgage with possession etc.), with particulars of other parties and rent paid or realised 4	Remarks— (1) State if land under gardens. (2) State if land stands in revenue records in the name of some one other than the applicant and if so, how applicant's title to the land is determined 5	Amount of annual land revenue last paid in Western Pakistan in respect of agricultural land and the year for which it was paid 6	Estimated value of Applicant's right 7	If any temporary allotment of land has been obtained in India, state area, class of land, location, allotting authority and terms of allotment 8	What documentary evidence can you produce in support of your claim? (Documents will be called for at time of verification) 9

Area verified : (Applicant's own share only)

(To be filled in by the Claims Officer)

Class of land 1	Area in acres, Kanals, Marlas, Ghantas 2	Rights held with particulars of other parties and rents received or realised 3	Value of land and rights 4	Remarks 5

Date.....
Place .....

Signature.....
Claims Officer

* Not to be filled in by the applicant.
† To be given only in the case of widows, married women or minor children, as the case may be.
‡ All communications regarding this claim will be sent to the claimant at this address. Any change of address of the applicant should be notified to the Chief Claims Commissioner.

SCHEDULE II

(See sub-rule (4) of rule 3). 610

Amount of Claim					Fee Rs.
Claims not exceeding Rs. 20,000	...	...	...	...	1 0 0
Claims exceeding Rs. 20,000 but not exceeding Rs. 1,00,000	...	...	...	...	2 0 0
Claims exceeding Rs. 1,00,000 but not exceeding Rs. 2,50,000	...	...	...	...	5 0 0
Claims exceeding Rs. 2,50,000 but not exceeding Rs. 5,00,000	...	...	...	...	7 8 0
Claims exceeding Rs. 5,00,000	...	...	...	...	10 0 0

(No. 3(14)Genl./50-I)

M. L. PURI, Under Secy.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

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No. L.D. 809—Legis. 4-50-23, dated Bangalore, 23rd June 1950.

Ordered that the accompanying Administration of Evacuee Property Supplementary (Central) Rules, 1949 published in the *Gazette of India*, dated the 14th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

NOFIFICATION.

New Delhi, the 30th December 1949.

No. 14(102)Cus.—49-A.—In exercise of the powers conferred by Section 53 of the Administration of Evacuee Property Ordinance, 1949, (Ordinance No. XXVII of 1949) the Central Government is pleased to make the following supplementary Rules, namely :—

1. *Short Title.*—These Rules may be called the Administration of Evacuee Property Supplementary (Central)Rules, 1949.

2. *Definition.*—In these Rules :—

(a) "Form" means a form appended to these rules.

(b) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Ordinance.

3. *Deposit of evacuee moneys.*—All moneys received by the Custodian in respect of evacuee property shall be deposited into the Treasury for credit to the banking deposit account to be opened in accordance with the rules applicable to "Personal Deposits".

4. *Mode of keeping accounts and registers.*—The accounts of transactions relating to the evacuees' Property shall be maintained in the forms and in the manner as hereinafter specified.

(a) Index Register, giving reference to the pages of registers in which the transactions are recorded, shall be kept in *Form No. 15*, in which the names of the evacuees shall be entered in alphabetical order.

(b) Realisations made or expenditure incurred in respect of evacuees' property shall be noted in the relevant registers maintained in the forms referred to below and

such entries shall be attested by the persons making them as well as by the examiners checking them :—

(1) Register of immovable property, Form No. 16.

(2) Register of movable property, Form No. 17.

(3) Register of debts or claims due to evacuees, Form No. 18.

(c) After rent, license fee lease money has been fixed, the record of immovable and other property leased out shall be kept in columns 1 to 9 of the Rent Demand and Collection Register in Form No. 19. The assessment and realisation for the month shall be noted in the monthly cage concerned and the balance worked out, the amount, if any, written off being noted in column No. 22.

(d) The recovery of the amounts other than those which are recorded in the Rent Demand and Collection Register shall be watched through the Miscellaneous Demand and Collection Register in Form No. 20.

(e) The Rent Demand and Collection Register as well as the Miscellaneous Demand and Collection Register shall be balanced every month and closed at the end of each year and the outstanding balance struck and carried forward to the registers of the succeeding year. A certificate to the effect that all recoverable demands for the year have been noted in the Registers and that the balances have been correctly carried forward to the succeeding year's registers shall be noted at the end of the Register.

(f) A statement showing demands to the end of the previous month, recoveries made during the current month and the outstanding balances shall be submitted to the Ministry of Rehabilitation *through the Custodian General* not later than the 15th of the next succeeding month explaining the causes of arrears and steps taken to clear them.

(g) When the Property is sold or leased by public auction the bids should be recorded in the sale register (Form No. 2), the signature or the thumb impression of the last bidder being obtained in column 11 of the Form.

NOTE.—The intermediate bids in respect of property liable to fetch not more than Rs. 100 need not be recorded in the register.

(h) A Cash Book in Form No. 22 shall be maintained, the amounts received or payments made on behalf of the Custodian shall be entered in the Cash Book on the date they are received or paid. The rent or auction-money realised by the persons authorised by the Custodian shall be paid to the Cashier in the office of the Custodian not later than the next working day with a challan or statement showing the details of realisation made. The cash in hand of the Cashier shall be counted at the close of each day by the officer authorised by the Custodian and at the end of each month by the Custodian. Except for special reasons to be recorded the cash in hand shall be deposited into the treasury on the same day or on the next working day.

The balance in the treasury column of the Cash Book at the end of each month shall be reconciled with the balance shown in the advice list or Pass Book by the Treasury.

NOTE.—If a cheque has lapsed it shall be cancelled and the amount taken as receipt in the Cash Book and credited to a deposit account in the ledger (Form No. 23). If the payee subsequently turns up and applies for renewal, the cheque, if in his possession, shall be obtained and destroyed and a fresh cheque issued against Deposit Account. A note of repayment shall be made in red ink against the relevant entry in the Cash Book and the Deposit Account in the ledger Deposits remaining unclaimed for complete twelve months shall be drawn on a contingent bill in Form No. 24 and credited into the Treasury under Head XLVI Miscellaneous and the words "Lapsed and credited to the Government on (specify date)" should be noted against the deposit concerned. Subsequent repayment shall be governed by Rule 637 *et seq.* of the compilation of Treasury Rules, Vol. 1.

(i) Separate account for each evacuee shall be kept in a ledger in Form No. 23. Sufficient pages will be set apart for each evacuee. At the end of each month, the closing balances of movable and immovable property account shall be transferred to the Personal Account.

(j) The Ledger shall be balanced monthly and the balances extracted in Form No. 25. The total of the balances in the ledger as worked out in the Register should agree with the cash in hand *plus* the amount shown in the treasury column of the Cash Book. If there is any difference it shall be investigated and adjusted immediately.

NOTE.—A certificate that the balances in the ledger agree with the cash in hand plus the amount shown in the treasury column of the Cash Book shall be submitted by the 10th of the next following month to the Ministry of Rehabilitation through the Custodian General.

5. *Payment by Custodian.*—(1) No payment shall be made except after the payee has presented his claim and the Custodian or an officer duly authorised by him in this behalf, after checking the same, has passed order of payment thereon.

(2) All payments shall ordinarily be made by cheque signed by the Custodian or any person authorised by him in writing in this behalf, provided that if the amount involved does not exceed Rs. 50 the payment may be made in cash.

NOTE I.—Cheque Books shall remain in the custody of the Custodians or any other officer who may be authorised by him in writing.

NOTE II.—No cheque shall be drawn unless it is required for immediate delivery to the person to whom money is to be paid.

NOTE III.—The bills shall be numbered serially for each month and shall after payment be stamped as under:—

Paid, vide cheque No. _____ Dated _____

in cash

(Sd.) Accountant

Cashier.

NOTE IV.—The bills shall, after payment, be filed and kept on record for audit.

6. *Audit.*—(1) The accounts maintained by the Custodian shall be audited as far as possible quarterly under the orders of the Deputy Accountant General. Food and Rehabilitation, by a staff of the perpitatic Auditors. The Custodian shall place at the disposal of the auditors all accounts, registers, documents and shall furnish all information which may be required by the auditors.

(2) The result of the audit will be communicated through the Inspection Report promptly. Copies of the annotated audit notes shall also be furnished to the Ministry of Finance (Rehabilitation) *through the Custodian General.*

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FORM No. 15

[*See* RULE 4(a)].

Index Register

1. Serial No.	
2. Name and father's name of evacuee with address before evacuation.	
3. Firm's name, if any.	
4. (a) Register of movable property.	Reference to page of
4. (b) Register of immovable property.	
4. (c) Register of debts or claim due to evacuee.	
4. (d) Ledger.	
5. Dates on which property restored or disposed of.	
6. Remarks.	

FORM No. 16.

[*See* Rule 4 (b)]

Register of Immovable Property

1. Ward No..
2. Name of street/lane.
3. Municipal No. of House/business premises/factory.
4. Name of owner with parentage and address.
5. Name of occupant with parentage.
6. Date of occupation.
7. Assessed Rent/License Fee.
8. House Tax/water charges, if recoverable.

Receipts														Payments										Net amount carried over to per ledger account				Remarks
Serial No.	No. and date of the chellan	No. and date of receipt	Period to which payment relates	Rent/License fee	Nature of realisation				Total			Progressive Total			Initials	Remarks	Date of payment	No. of voucher and date	Nature of Expenditure					Total			Progressive Total			Initials				
					House Tax	Water Tax	Miscellaneous receipts												House Tax	Water Tax	Repairs	Miscellaneous	Custodian's Charge											

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FORM 17

[*See* Rule 4 (b)]

Register of Movable Property of .....

Address

Serial No.	
Description of Property	
No. of articles	
Reference to Serial No. in the Sales List	Sale proceeds received.
No. and date of chellan	
Date	
Amount	
Initials	
Remarks	
No. and date of voucher	Expenditure incurred.
Particulars of payment	
To whom paid	
Amount	
Custodian's fee amount	
Total	
Initials	
Amount	Net amount carried over to Ledger.
Ledger Folio	
Remarks	

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FORM No. 18

[*See Rule* 4(*b*)]

Register of Debts or Claims due to.....*Evacuee*

Reference to Serial No. of Index Register

1. Serial No.		
2. Debtor's name with address		
3. Nature of claim		
4. Amount of debt or claim		
5. Reference to order determining the debts or claim		
6. Amount of debt or claim	Secured	(a) Principal
		(b) Interest
	Unsecured	(c) Principal
		(d) Interest
7. Amount received	(a) Date of auction	
	(b) No. and date of receipt	
	Amount	
8. Expenditure incurred	(a) Voucher No. and date	
	(b) Amount	
9. Net amount carried over to ledger.	(a) Amount	
	(b) Ledger folio	
10. If restored to the evacuee, date and reference to order of restoration		
11. Remarks		

FORM No. 19

[*See* Rule 4(c)]

Rent Demand and Collection Register

Ward No.

Name of Mohalla

Serial No.	House or shop No.	Name, parentage and address of owner	Name and other particulars of tenants	Particulars of property	Date of occupation	Authority	Monthly rent	Arrears up to 31st March 19	April				May				June				July				August			
1	2	3	4	5	6	7	8	9	10				11				12				13				14			
									Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance	Amount assessed	No. and date of receipt	Amount realised	Balance
									a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d

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NOTIFICATION.

No. L.D. 918—Legis. 5-50-11, dated Bangalore, 26th June—1st July 1950.

Ordered that the accompanying Adaptation of Laws (Amendment) Order, 1950 (C.O. 17), published in the *Gazette of India*, dated the 5th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 5th June, 1950.

S.R.O. 115.—The following Order made by the President is published for general information :—

C.O. 17

ADAPTATION OF LAWS (AMENDMENT) ORDER, 1950.

WHEREAS by clause (2) of article 372 of the Constitution of India (hereinafter referred to as "the Constitution") the President is empowered by Order to make such adaptations and modifications of any law in force in the territory of India, whether by way of repeal or amendment, as may be necessary or expedient for the purpose of bringing the provisions of such law into accord with the provisions of the Constitution, and to provide that the law shall, as from such date as may be specified in the Order, have effect subject to the adaptations and modifications so made;

NOW, THEREFORE, in exercise of the powers conferred by the said article and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :—

1. (*1*) This Order may be called the Adaptation of Laws (Amendment) Order, 1950.

(*2*) It shall be deemed to have come into force on the 26th day of January, 1950.

2. In sub-paragraph (*1*) of paragraph 2 of the Adaptation of Laws Order, 1950 (hereinafter referred to as "the Principal Order"),—

(*a*) after sub-clause (*i*) of clause (*b*) the following sub-clauses shall be inserted, namely :—

"(*ia*) an existing Madras law;

(*ib*) an existing Bombay law;";

(*b*) at the end of clause (*c*) the words "but does not include any existing Madras or Bombay law" shall be added;

(*c*) in clause (*e*) after the words "existing Provincial law" the words "existing Madras law, existing Bombay law" shall be inserted; and

(*d*) after clause (*e*) the following clauses shall be inserted, namely :—

"(*f*) "existing Madras law" means any Madras Act as defined in section 3 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), or any Regulation made by the Governor of Madras under the Government of India Act, 1935, which, immediately before the appointed day, was a law in force in the Province of Madras or any part thereof;

(*g*) "existing Bombay law" means any Bombay Act as defined in section 3 of the Bombay General Clauses Act, 1904 (Bombay Act I of 1904), or any Ordinance or Regulation made by the Governor of Bombay under the Government of India Act, 1935, which, immediately before the appointed day, was a law in force in the Province of Bombay or any part thereof.".

3. In the heading of Part I and paragraph 3 of the Principal Order, for the words "existing Central laws" the words "existing Central, Madras and Bombay laws" shall be substituted.

4. In paragraphs 4(*1*), 4(*2*), 5, 6(*1*), 8 and 10 of the Principal Order, for the words "existing Central law" the words "existing Central, Madras or Bombay law" shall be substituted.

5. The proviso to paragraph 28 of the Principal Order shall be omitted.

6. The First, Fourth, Fifth and Sixth Schedules to the Principal Order shall be modified as directed in the First Schedule to this Order.

7. After the Sixth Schedule to the Principal Order, there shall be added the Schedules set out in the Second Schedule to this Order.

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THE FIRST SCHEDULE.

(*See paragraph 6*)

I. *Modifications to the First Schedule to the Principal Order.*

After the direction relating to the Opium Act, 1857 (XIII of 1857), insert—

"*The Madras Compulsory Labour Act, 1858.*

(I of 1858)

Preamble.—Omit "of the labouring classes".

Section 1.—In the first paragraph for "labourers" substitute "persons" and omit "of the labouring classes".

In the third paragraph for "the labourers as aforesaid" substitute "all able-bodied male persons" and for "the labourers of their villages" substitute "the able-bodied male persons of their villages".

Section 2.—Omit "of the labouring classes".

Section 4.—For the words "the labourers" where they occur for the first time substitute "such persons" and where they occur for the second time substitute "they"."

After the direction relating to the Acting Judges Act, 1867 (XVI of 1867), insert—

"*The Punjab Murderous Outrages Act, 1867.*

(XXIII of 1867)

Preamble and Section 2.—For 'Queen' substitute 'Government'."

After the direction relating to the Press and Registration of Books Act, 1867 (XXV of 1867), insert—

"*The Oudh Estates Act, 1869.*

(I of 1869)

Section 3.—In the third paragraph 'Province' shall stand unmodified."

In the direction relating to clauses (1) and (2) of section 3 of the Indian Divorce Act, 1869 (IV of 1869), for the words beginning with "(1) 'High Court' means" and ending with "the High Court at Calcutta" substitute—

"(1) 'High Court' means with reference to any area—

(*a*) in a Part A State, the High Court for that State;

(*b*) in Ajmer, the High Court at Allahabad;

(*c*) in Bhopal, the High Court at Nagpur;

(*d*) in Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(*e*) in Coorg, the High Court at Madras;

(*f*) in Kutch, the High Court at Bombay; and

(*g*) in the Andaman and Nicobar Islands, the High Court at Calcutta;".

For the direction relating to section 78 of the Indian Evidence Act, 1872 (I of 1872), substitute—

"*Section 78.*—In clause (3) 'Her Majesty' shall stand unmodified.

In clause (6) for 'a British Consul' substitute 'an Indian Consul'.".

For the direction relating to the Central Provinces Laws Act, 1875 (XX of 1875), substitute—

"*Section 2.*—For 'Acts of the Central Legislature' substitute 'Central Acts', for 'an Act of the Central Legislature' substitute 'a Central Act' and for 'Act of the Central Legislature' substitute 'Central Act'.

Section 4.—For 'Act of the Central Legislature' substitute 'Central Act'.".

Before the direction relating to section 33 of the Northern India Ferries Act, 1878 (XVII of 1878), insert—

"*Preamble.*—For 'the United Provinces, East Punjab, the Central Provinces, Assam, Delhi and Ajmer-Merwara' substitute 'Uttar Pradesh, Punjab, the Central Provinces, Assam, Delhi and Ajmer'.".

Before the direction relating to section 4 of the Fort William Act, 1881 (XIII of 1881), insert—

"*Section 3.*—For 'The Commander-in-Chief in India' substitute 'The Commander-in-Chief, Indian Army'.".

For the direction relating to section 1 of the Madras Forest (Validation) Act, 1882 (XXI of 1882) substitute—

"*Section 1.*—For 'enactment of the Central Legislature' substitute 'Central Act passed before the commencement of this Act'.".

For the direction relating to the Land Improvement Loans Act, 1883 (XIX of 1883), substitute—

"*Section 1.*—In sub-section (2) for 'the Provinces', where it occurs for the second time, substitute 'a Part A State or a Part C State'.".

Omit the direction relating to sections 34 and 48 of the Punjab District Boards Act, 1883 (XX of 1883).

For the directions relating to the Marriages Validation Act, 1892 (II of 1892), substitute—

"Throughout the Act for 'Native Christian' substitute 'Indian Christian', for 'a Native Christian' substitute 'an Indian Christian' and for 'Native Christians' substitute 'Indian Christians'.

Preamble.—For 'the Provinces' substitute 'India'.".

In the direction relating to the substitution of section 3 of the General Clauses Act, 1897 (X of 1897),—

(1) for clause (8) substitute—

"(8) 'Central Government' shall,—

(*a*) in relation to anything done before the commencement of the Constitution, mean the Governor-General or the Governor-General in Council, as the case may be; and shall include, (i) in relation to functions entrusted under sub-section (1) of section 124 of the Government of India Act, 1935, to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and (ii) in relation to the administration of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of section 94 of the said Act; and

(*b*) in relation to anything done or to be done after the commencement of the Constitution, mean the President; and shall include, (i) in relation to functions entrusted under clause (1) of article 258 of the Constitution to the Government of a State, the State Government acting within the scope of the authority given to it under that clause; and (ii) in relation to the administration of a Part C State, the Chief Commissioner or the Lieutenant-Governor or the Government of a neighbouring State or other authority acting within the scope of the authority given to him or it under article 239 or article 243 of the Constitution, as the case may be;"; and

(2) in clause (*29*) for "order or bye-law" substitute "order, bye-law or other instrument".

In the direction relating to sub-section (1) of section 57 of the Indian Stamp Act, 1899 (II of 1899), for the words beginning with "(*a*) if it arises in a Part A State" and ending with "the High Court at Calcutta" substitute—

"(*a*) if it arises in a Part A State, to the High Court for that State;

(*b*) if it arises in Ajmer, to the High Court at Allahabad;

(*c*) if it arises in Bhopal, to the High Court at Nagpur;

(*d*) if it arises in Bilaspur, Delhi and Himachal Pradesh, to the High Court of Punjab;

(*e*) if it arises in Coorg, to the High Court at Madras;

(*f*) if it arises in Kutch, to the High Court at Bombay; and

(*g*) if it arises in the Andaman and Nicobar Islands, to the High Court at Calcutta."

For the directions relating to sections 43 and 44 of the Code of Civil Procedure, 1908 (Act V of 1908), substitute—

"*For sections 43 and 44* substitute—

'43. Any decree passed,—

Execution of decrees passed by Civil Courts in Part B States, in places to which this Part does not extend or in foreign territory.

(*a*) by a Civil Court in a Part B State, or
(*b*) by a Civil Court in any area within a Part A State or Part C State to which the provisions relating to execution do not extend, or
(*c*) by a Court established or continued by the authority of the Central Government outside India,

may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in manner herein provided within the jurisdiction of any Court in the States.

Execution of decrees passed by Revenue Courts in Part B States.

44. The Government of a Part A State or Part C State may, by notification in the Official Gazette, declare that the decrees of any Revenue Courts in any Part B State or any class of such decrees may be executed in the Part A State or Part C State, as the case may be, as if they had been passed by Courts of that State.'.".

In the direction relating to sections 2 and 91 of the Indian Lunacy Act, 1912 (IV of 1912), for the heading "*Sections 2 and 91*" substitute "*Section 2*".

After the direction relating to section 3 of the Indian Lunacy Act, 1912 (IV of 1912), insert—

"*Section 91.*—For 'which is or may hereafter be constituted by His Majesty by Letters Patent or by order of the Governor-General' substitute 'for a Part A State'."

To the direction relating to section 144 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), add—

"and 'His Majesty' shall stand unmodified."

After the direction relating to the Long title and Preamble of the Indian Bar Councils Act, 1926 (XXXVIII of 1926), insert—

"*Section 1.*—In sub-section (2) for 'clause (24)' substitute 'clause (25)'."

In the direction relating to clause (*h*) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), for "in clause (*h*)" substitute "in clause (*h*) and *Explanation 4*".

In the direction relating to section 2 of the Indian Medical Council Act, 1933 (XXVII of 1933), for "In clause (*f*)" substitute "In clauses (*e*) and (*f*)".

Omit the directions relating to the Press (Special Powers) Act, 1947 (XXXIX of 1947).

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After the direction relating to the Minimum Wages Act, 1948 (XI of 1948), insert—

"*The Rehabilitation Finance Administration Act, 1948.*

(XII 1948)

Section 18.—In sub-section (2) for 'the Central Legislature' substitute 'Parliament'."

After the direction relating to section 4 of the Damodar Valley Corporation Act, 1948 (XIV of 1948), insert—

"*Section 44.*—In sub-section (3) for 'the Central' substitute 'Parliament'.

Section 45.—In sub-section (5) for 'the Central' substitute 'Parliament'."

After the direction relating to section 2 of the Industrial Finance Corporation Act, 1948 (XV of 1948), insert—

"*Section 35.*—In sub-section (3) for 'the Central Legislature' substitute 'Parliament'."

After the direction relating to section 1 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), insert—

"*Section 21.*—In the *Explanation* for 'Federal Court' substitute 'Supreme Court'."

II. *Modifications to the Fourth Schedule to the Principal Order.*

For the heading "Madras Regulations" substitute "Regulations of the Madras Code".

For the direction relating to the Madras Revenue Recovery (Military Proprietors) Regulation, 1817 (Madras Regulation VIII of 1817), substitute—

"*Long title.*—For 'a native officer or soldier' substitute 'an officer or soldier'."

Section 9.—In clause First, for 'a Native officer' substitute 'an officer' and for 'principal Native officer' substitute 'principal officer'.

In clause Third omit 'Native'."

III. *Modifications to the Fifth Schedule to the Principal Order.*

For the heading "Bombay Regulations" substitute "Regulations of the Bombay Code".

After the direction relating to the Preamble to Bombay Regulation XXV of 1827, insert—

"*Section 1.*—Omit 'British'."

IV. *Modifications to the Sixth Schedule to the Principal Order.*

For the heading "Bengal Regulations" substitute "Regulations of the Bengal Code".

For the direction relating to the Appendix to the Bengal State Prisoners Regulation, 1818 (Bengal Regulation III of 1818), substitute—

"*Appendix.*—For 'external affairs or relations with Acceding States' and 'external affairs and relations with Acceding States' substitute 'or foreign affairs' and for 'Governor-General' wherever it occurs substitute 'Central Government'."

THE SECOND SCHEDULE.

(See paragraph 7)

Schedules to be added after the Sixth Schedule to the Principal Order.

SEVENTH SCHEDULE

MADRAS ACTS

(Not printed)

* * * * *

EIGHTH SCHEDULE

MADRAS REGULATIONS MADE UNDER THE GOVERNMENT OF INDIA ACT, 1935.

(Not printed)

* * * * *

NINTH SCHEDULE

BOMBAY ACTS

(Not printed)

* * * * *

TENTH SCHEDULE

BOMBAY REGULATION MADE UNDER THE GOVERNMENT OF INDIA ACT, 1935.

The Indian Post Office (Bombay Amendment) Regulation, 1942.

(Bombay Regulation I of 1942)

Section 2.—For "British India" substitute "India except Part B States".

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR, *Joint Secy.*

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

NOTIFICATION.

No. L.S. 1110—L.W. 92-50-3, dated Bangalore, 28th June 1950.

Draft of the Industrial Statistics (Industrial and Labour Disputes) Rules.

The following draft model rules of the Industrial Statistics (Industrial and Labour Disputes) Rules, 1950, issued by the Government of India, Ministry of Labour, for the collection of statistics of industrial and labour disputes is hereby published for general information.

Comments if any on the above Rules may be forwarded to the Legal Remembrancer and Secretary to Government, Law Department, Bangalore, so as to reach him on or before *31st July 1950* for transmission to Government of India.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

Industrial Statistics (Industrial and Labour Disputes) Rules, 1950.

1. *Short title and commencement.*—(1) These Rules may be called the Industrial Statistics (Industrial and Labour Disputes) Rules, 1950.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context :—

(i) "Dispute" means an occurrence, characterised by a temporary stoppage of work involving a loss of 10 or more man-days, in one or more departments of one or more establishments, wilfully effected by one or more employers or by ten or more workers, with a view to enforcing a demand, and includes :—

(*a*) a strike or lockout resorted to in pursuance of a disagreement between the employers and workers on an issue connected with

collective bargaining, conditions of work, employment or non-employment and the terms of employment; and

(b) a suspension or cessation of work effected for a purpose such as expression of moral or material support to follow employers or workers involved in a conflict, or in sympathy towards a deceased or arrested individual, demonstration of disagreement on public policies or actions, exhibition of the strength of organization, observance of a social or political event, or ony other similar purpose where the matter in dispute is such as cannot be settled by the parties to the dispute themselves; but does not include stoppage of work caused by shortage of fuel or raw materials, break-down of machinery, curtailment of power, accumulation of stocks, or any other similar cause;

(ii) "Employer" means a person or group of persons, firm or company or a governmental or semi-governmental agency employing 10 or more workers for purpose of carrying on any industry;

(iii) "Form" means a form specified in Schedule II;

(iv) "Industry" means any kind of economic activity and includes agriculture, forestry, hunting and fishing; mining and quarrying; manufacturing; construction; electricity; gas, water and sanitary services; commerce; transport, storage and communications; community and business services (including social services such as education, medical and health services, legal services, recreation services and personal services);

(v) "Schedule" means a schedule to these rules;

(vi) "Statistics authority" means a statistics authority appointed by the State Government under Section 4 of the Industrial Statistics Act (No. XIX of 1942);

(vii) "Trade Union" means a trade union as defined under the Indian Trade Unions Act, 1926 and the "Secretary of the Trade Union" means the official of the trade union, by whatever designation known, who is in charge of the day to day administration of the union;

(viii) "Worker" means a person employed (including a wage earner, a salaried employee and an apprentice) to do any work on contract, hire or for reward and includes a person who has been dismissed or discharged as a consequence of participation in the dispute under consideration.

3. *Service of notice on the employer by the statistics authority.*—(1) The statistics authority shall, within three months of the commencement of these rules, and thereafter before the end of December, each year, serve or cause to be served a notice on each of the employers connected with the establishments specified in Schedule I requiring him to furnish to the statistics authority whenever there is a dispute in his establishment information in the appropriate form set forth in Schedule II;

(2) Where the information supplied in response to a notice issued under sub-rule (1) is not, in the opinion of the statistics authority, adequate such authority may serve or cause to be served upon the employer one or more supplementary notices requiring him to furnish such further or additional information as may be specified in the notice;

(3) Where an establishment of the nature specified in Schedule I comes into existence after the commencement of these rules, the statistics authority shall serve or cause to be served a notice under this rule upon the employer concerned, as soon as practicable, after the establishment comes into existence, and thereafter before the end of December each year;

(4) Where a dispute occurs in an establishment not specified in Schedule I, the statistics authority shall, as soon as he comes to know of such dispute, serve or cause to be served a notice upon the employer of the establishment concerned, requiring him to furnish the information in the appropriate form set forth in Schedule II.

4. *Furnishing of returns by the employer.*—Every employer on whom a notice under Rule 3 has been served shall, whenever there is a dispute in his establishment, furnish to the statistics authority—

(*a*) an intimation in Form A:—

(i) where the notice has been served under sub-rule (1) or sub-rule (3) of Rule 3, within

twenty-four hours of the occurrence of the dispute ; and

(ii) where the notice has been served under sub-rule (4) of Rule 3, within twenty-four hours of the receipt of the notice ;

(*b*) a report in Form B on every Monday in respect of the week ending the preceding Sunday if the dispute extends beyond the Sunday :

Provided that in respect of the week in which the dispute terminates such a report shall be sent along with the termination report in Form C ;

(*c*) a termination report in Form C within five days of the termination of the dispute.

5. *Collection of information from the Trade Union.*—(1) The statistics authority, may, if he deems it fit to do so, serve or cause to be served at any stage of a dispute, a notice on the Secretary of a trade union connected with the dispute, requiring him to furnish such information relating to the dispute and in such form as may be specified in the notice.

(2) The Secretary of the Trade Union, on whom a notice has been served under sub-rule (1), shall, thereupon, furnish the required information to the statistics authority within three days of the receipt of the said notice.

6. *Method of service of notice and furnishing of returns.*—The Statistics Authority shall serve the notices referred to in Rules 3 and 5 through a messenger or by registered post, acknowledgment due, under cover superscribed " Notice under the Industrial Statistics (Industrial and Labour Disputes) Rules, 1950 " and the employers, or the Secretary of the Trade Union, as the case may be, shall furnish the information referred to in Rules 4 or 5 through a messenger or by registered post, acknowledgment due, under cover superscribed " Confidential—Returns under the Industrial Statistics (Industrial and Labour Disputes) Rules, 1950 ".

7. *Information to be furnished in English.*—All information furnished under Rules 4 and 5 shall be in English.

SCHEDULE I.

[*See Rule 3(1)*].

Establishments to be covered by the Preliminary Notice.

1. Factories covered by the Factories Act, 1948;
2. Mines covered by the Indian Mines Act, 1923;
3. Railways covered by the Indian Railways Act, 1890;
4. Tramways covered by the Indian Tramways Act, 1886;
5. Major ports specified in the Indian Ports Act, 1908:
6. Plantations growing tea, coffee, rubber and cinchona;
7. Posts and Telegraphs Department;
8. Municipalities and Local Boards;
9. Banks and Insurances Companies;
10. Oilfields.

SCHEDULE II.

Forms in which information is to be supplied (See Rule 4).

INDUSTRIAL STATISTICS ACT, 1942.

Industrial Statistics (Industrial and Labour Disputes) Rules, 1950.

Form A.—Intimation of a dispute.

(To be furnished to the Statistics Authority within 24 hours of the occurrence of a dispute).

1. Name of the establishment.....
2. Industry.....
3. Postal address.....District.....State.....
4. No. of workers employed [*vide* Instruction (*a*)].....
5. Strike or lock-out?.....
6. Date and hour of commencement of dispute [*vide* Instruction (*b*)].....
7. Number of workers involved [*vide* Instruction (*c*)].....
   (A) Directly.....
   (B) Indirectly.....
8. (A) Main cause leading to the stoppage.
   (B) Demands in detail, if any [*vide* Instruction (*d*)].
9. Was notice (of strike or lock-out) given; if so, on what date and for what period.
10. Name and address of the trade union, if any, connected with the dispute on behalf of the workers.
11. What steps are being taken to arrive at a settlement?

Station..... Signature.....

Date..... Designation.....

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INSTRUCTIONS.

(*a*) Please give the average daily number of workers employed during the wage-period immediately preceding the date of the dispute. In a concern in which there is more than one wage-period for different categories of workers the average during the wage-period for each category should be struck and all the averages added up to indicate the average daily number of workers employed. If there is more than one shift, please give the total number of workers employed in all shifts.

(*b*) If the number of workers involved gradually changes from less than 10 to 10 or more the dispute should be considered as commencing from the date and hour from which 10 workers or more are involved.

(*c*) If, say, 200 workers strike work or are locked out as a consequence of which, say, 500 other workers are forced to be idle, 200 may be shown as directly involved and 500 indirectly.

(*d*) Here give details of the demands of the workers in case of a strike or of the cause leading to a lock-out.

INDUSTRIAL STATISTICS ACT, 1942.

Industrial Statistics (Industrial and Labour Disputes) Rules, 1950.

Form B—Weekly Report (No.....)

(To be furnished to the Statistics Authority on Monday every week as long as the dispute continues and along with the termination report in respect of the week in which the dispute terminates).

1. Name of the establishment.
2. Industry.
3. Postal address.....District.....State.....
4. Date on which report in Form A was furnished.....
5. Daily figures of workers involved :

Date	No. of workers involved		No. of substitutes employed, if any
	Directly (*Vide* instruction)	Indirectly (*Vide* instruction)	
1	2	3	4
Monday ...			
Tuesday ...			
Wednesday ...			
Thursday ...			
Friday ...			
Saturday ...			
Sunday ...			

(Please indicate in the above table holidays, if any).

6. Particulars of attempts made at settlement, if any, either by the parties concerned or by a third party.

7. Any other developments.

Station..... Signature.....

Date..... Designation.....

INSTRUCTIONS.

If there is more than one shift, please give the total number of workers, on all shifts, involved in the dispute.

INDUSTRIAL STATISTICS ACT, 1942.

Industrial Statistics (Industrial and Labour Disputes) Rules, 1950.

Form C—Termination Report.

(To be furnished to the Statistics Authority within five days of the termination of the dispute).

1. Name of the establishment.
2. Industry.
3. Postal address.....District .....State .....
4. Date and hour at which the dispute terminated [*vide* Instruction (*a*)].
5. Method of termination [*vid* Instruction (*b*)].
6. Terms of settlement—(i) if written, please enclose a copy of the agreement.
   (ii) if verbal, please specify the terms.
7. If as a result of the dispute there have been changes in remuneration (either in case or kind) of the workers, please state how many would be affected and what would be the increase or decrease in the wages bill per working day.
8. Date from which the terms of settlement take effect.

Station..... ..... Signature.....

Date..... Designation.....

INSTRUCTIONS.

(*a*) The dispute may be considered as terminated when the establishment has resumed work, having filled all or a sufficient number of the vacancies caused by the dispute either by the re-employment of the workers involved in the dispute or by engaging new workers.

(*b*) The methods of termination may be classified as.—

(i) Termination with settlement :

(*a*) unconditional return of workers or resumption of work ;

(*b*) replacement of workers.

(ii) Termination pending settlement : (reference of Court of enquiry, etc.)

(iii) Termination with settlement :

(*a*) Direct negotiation.

(*b*) Negotiation through works or Joint Committees.

(*c*) Arbitration by mutual agreement.

(*d*) Conciliation by Government.

(*e*) Conciliation by Boards of Conciliation.

(*f*) Adjudication by Industrial Tribunals, Industrial Courts or Labour Courts.

Copy of letter No. L.W.I. 50 (2) (50) (i), dated 30th May 1950 from the Deputy Secretary to the Government of India, Ministry of Labour, New Delhi.

Subject.—Collection of Statistics of Industrial and Labour Disputes under the Industrial Statistics Act, 1942.

I am directed to invite reference to paragraph 5 of the letter from the Ministry of Labour No. LL.-10 (1), dated the 10th June 1949, forwarding the draft model Industrial Statistics (Labour) Rules for the collection of statistics of employment, attendance, wages and earnings, and hours of work in certain industries. Draft model rules for the collection of statistics of industrial and labour disputes have now been framed. Two sets of the rules are forwarded herewith for publication in the official Gazette inviting comments by the 31st July 1950. The comments which may be received by the State Government, together with their views thereon may kindly be forwarded to this Ministry by the 31st August 1950.

2. The Industrial Statistics Act, 1942, prescribes the service of individual notices on the employers. The draft model rules so framed will, therefore, require individual service of preliminary notices on the employers connected with sectors of industry mentioned in Schedule I to the Rules. In regard to the others, it will be necessary to depend on the press and the police for information as to the occurrence of a dispute on receipt of which a notice can be served upon the employer requiring him to furnish the necessary information.

3. In view of the above, it is necessary to have complete lists of the various types of establishment covered by the Schedule I to the Rules. Two copies of these lists, when ready, may kindly be forwarded to this Ministry. Two copies of the Gazette publishing the draft model rules may also kindly be forwarded.

4. Section 4 of the Industrial Statistics Act permits the State Governments to appoint more than one statistics authority for the purpose of the Act. It is considered desirable that the statistics authority appointed for the purpose of the Industrial Statistics (Labour) Rules may also be appointed for the purpose of the rules under consideration.

5. When returns under the present proposal are received, the voluntary returns of industrial disputes now being collected may be discontinued.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. S.R. 1778—St. 4-50-1, dated Bangalore, the 26th June 1950.

In exercise of the powers conferred by clause (a) of Section 9 of the Mysore Stamp Act, 1900 (Mysore Act No. II of 1900), His Highness the Maharaja of Mysore is pleased to remit the duties with which all instruments executed in connection with loans granted by the State Government to displaced persons are chargeable under the said Act.

By Order of His Highness the Maharaja.

No. L.B. 3436—V.P. 86-50-6, dated Bangalore, 1st July 1950.

The draft of the following further amendments to the rules under the Mysore Village Panchayet Act, 1926, (Mysore Act No. II of 1926) which it is proposed to make in exercise of the powers conferred by Section 65 of the said Act is hereby published for the information of all persons likely to be affected thereby as required by the said section.

Notice is hereby given that the draft will be taken into consideration after 31st August 1950.

Objections or suggestions, if any, to the said draft may be forwarded to the Secretary to Government, Revenue Department, for consideration so as to reach him before the said date.

Draft.

1. Fees chargeable in respect of the grant on renewal of a license for the use of a place within the jurisdiction of the Village Panchayet as Dairy, Hotel, Restaurant, Eating-house, Coffee-house (other than

Students Hostel under Public or recognised control) or for manufacturing Ice or Aerated water will be as follows :—

	Rs.
(1) Hotel, Restaurant, Eating-house or Coffee-house other than a Messing Hotel ...	25 per annum.
(2) Messing Hotel, Boarding-house or Lodging-house	50 ,,
(3) Bakery or Sweetmeat Shop or place used for the manufacture of Ice or Aerated water	12 ,,

2. The form and the conditions of a license issued under sub-section (1) of Section 3-A shall be as follows :—

FORM OF LICENSE.

OFFICE OF THE AMILDAR,..... TALUK.

Dated..... ...

Sri.....son of..... residing at ..... Village..... .....Hobli..... .....Taluk, is permitted to open a dairy, hotel, restaurant, eating-house, coffee house, sweetmeat shop, bakery, boarding house, or lodging house in the undermentioned boundary of.....village for a period of one year from the first day April to..... to the following conditions.
Boundary or Chuckbands.

.....
Amildar.

CONDITIONS.

1. The license is not transferable either in regard to the person or place.

2. The premises should be thoroughly cleansed as often as may be necessary and at least in every 24 hours to prevent any accumulation of filthy, rubbish, cobwebs, etc.

3. The ventilation of the building should be well attended to.

4. Suitable and separate accommodation should be provided for the preparation, storage and service of refreshments and of any other articles of food or drink.

5. In every place set apart for the preparation of refreshments, suitable smoke outlets should be provided and they should be maintained in good order and efficient action.

6. Every drain or means of drainage upon or in connection with the premises should be maintained at all times in good order and efficient action.

7. Latrines must be kept in good condition and there should be sufficient and good supply of water in the premises.

8. Suitable covered receptacles should be provided for the deposit of all refuse matter and such receptacles must be emptied at least once in every 24 hours.

9. All articles of food and drink should be stored or caused to be stored in such a manner as to completely protect them from dust and flies.

10. A board stating the purpose for which such premises is intended and the hours of its working should be fixed in a conspicuous place in the premises.

11. No person shall spit in or upon the premises except in such receptacles or places as are provided for such purpose.

12. No person suffering from any loathsome or infectious disease should be employed or allowed within the premises.

13. Plates, cups, saucers, spoons, forks and all utensils or accessories pertaining to or used for service shall be thoroughly washed in clean water and sterilised by being immersed in boiling water or steam for not less then five minutes before being set out for service again.

.....

Amildar,

Taluk.

By Order of His Highness the Maharaja of Mysore,

T. RANGAMALLIAH,

Secretary to Government,

Revenue Department.

No. A.F. 2845—Mart. 14-50-2, dated Bangalore, the 23rd June 1950.

In exercise of the powers conferred by Section 3 (a) of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), and in continuation of Notifications No. A.F. 6443—Mart. 23-46-2, dated 9th May 1947 and No. A.F. 7018—Mart. 20-49-2, dated 25th January 1950, His Highness the Maharaja of Mysore, is pleased to declare "URD" also to be "Agricultural Produce" for the purpose of the said Act.

By Order of His Highness the Maharaja.

No. A. F. 3021—Mart. 16-50-2, dated Bangalore, the 30th June 1950.

In exercise of the powers conferred by Section 4 of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), His Highness the Maharaja is pleased to declare that with effect from the date of this notification, the Mysore City Municipal limits shall be a "Market" established under the said Act for the undermentioned Agricultural Produce, in addition to the commodities referred to in Notification No. A. F. 6105—Mart. 26-48-3 dated 29th March—5th April 1949.

1. Honge Seeds.
2. Urd.
3. Cowpea.
4. Avare.
5. Soapnut.

By Order of His Highness the Maharaja.

No. S.D. 2288—R. 54-49-5, dated Bangalore, the 3rd July 1950.

In exercise of the powers conferred by Rules 81 and 116 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Rationing Order (Order No. 2) (Food), issued in Notification No. S.D. 2182—C. 94-43, dated the 1st October 1943 and to direct with reference to Rule 119 of the said rules, that notice of this amendment shall be given by publication in the *Mysore Gazette* and by the issue of a Press Note explaining its provisions, *viz.*:—

For Clause 2 of the Mysore Rationing Order, the following clause shall be substituted, namely:—

"2. The State Government may appoint Rationing Officers with defined local jurisdiction. The Rationing Officers working within the limits of the City of Bangalore Municipal Corporation and Mysore City Municipality shall be subordinate to the Director of Food Suppplies in Mysore and those in other areas shall be subordinate to the Deputy Commissioners of the respective districts."

By Order of His Highness the Maharaja.

No. C. 431—Co. 23-49-53, dated Bangalore, 4th July 1950.

In exercise of the powers conferred by Section 3 and Clause (*a*) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely:—

In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by British Drug Houses (India), Ltd., Burroughs Wellcome & Co., Parke Davis and Company and Ciba Pharma, Ltd., for the prices specified in column 2 of the said schedule, the prices specified in column 2 hereunder shall be substituted.

BRITISH DRUG HOUSES (INDIA) LTD.

Insulin A.B.—

		Rs.	a.	p.
20 units per cc. vial of 5 cc.	...	1	9	0
20 units per cc. vial of 10 cc.	...	2	8	0
40 units per cc. vial of 5 cc.	...	2	8	0
40 units per cc. vial of 10 cc.	...	4	11	0
80 units per cc. vial of 5 cc.	...	4	11	0
80 units per cc. vial of 10 cc.	...	9	1	0

Protamine Zinc insulin A. B.—

40 units per cc. vial of 5 cc.	..	3	2	0
40 units per cc. vial of 10 cc.	...	5	10	0
80 units per cc. vial of 5 cc.	...	5	10	0

Globin Insulin (with zinc) A. B.—

40 units per cc. vial of 5 cc.	...	3	2	0
80 units per cc. vial of 5 cc.	...	5	10	0

BURROUGHS WELLCOME & CO.

Insulin.—

			Rs.	a.	p.
'Wellcome' Insulin, unmodified		20 units per cc. 5 cc.	1	9	0
Do	do	40 units per cc. 5 cc.	2	8	0
Do	do	80 units per cc. 5 cc.	4	11	0
Do	I Globin (with zinc)	40 units per cc. 5 cc.	3	2	0
Do	do	80 units per cc. 5 cc.	5	10	0
Do	I Protamine Zinc	40 units per cc. 5 cc.	3	2	0
Do	do	80 units per cc. 5 cc.	5	10	0

PARKE DAVIS AND COMPANY.

		Rs.	a.	p.	
Chloromycetin 12s ...	... 0.25 gm. each ...	39	8	0	per vial

CIBA PHARMA LTD.

Nicotinic Acid Tablets 75's	...	4	0

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Food and Agriculture Departments.

No. Fl. 2828—S.T. 1-49-19, dated Bangalore, the 30th June 1950.

In exercise of the powers conferred by Section 3-A of the Motor Spirit (Taxation on Sales) Act, 1949, (Mysore Act No. XLIX of 1949), His Highness the Maharaja of Mysore is pleased to exempt from the payment of the tax leviable under the said Act in respect of motor spirit sold to an officer appointed by His Highness the Maharaja to make purchases of motor spirit for the use of the motor vehicles belonging to the Palace.

By Order of His Highness the Maharaja.

No. Fl. 2830—S.T. 1-49-20, dated Bangalore, the 30th June 1950.

In exercise of the powers conferred by Section 3-A of the Motor Spirit (Taxation on Sales) Act, 1949, (Mysore Act No. XLIX of 1949), His Highness the Maharaja of Mysore is pleased to make a reduction of fifty per cent of the tax leviable under the said Act in respect of aviation petrol required for Civil aviation.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Financial Department.

No. M. 6020—Census. 4-50-5, dated Bangalore, 5th July 1950.

In exercise of the powers conferred by sub-section (4) of Section 3 of the Mysore Census Act, 1949, (Mysore Act No. XXIII of 1949), His Highness the Maharaja of Mysore is pleased to delegate the power of appointing Census Officers conferred by sub-section (2) of Section 3 of the said Act to the following authorities within their respective jurisdictions, namely—

(1) The Deputy Commissioners of Districts,

(2) Commissioner, City of Bangalore Municipal Corporation, Bangalore,

(3) Municipal Commissioner, City Municipality, Mysore,

(4) Municipal Commissioner, City Municipal Council, Davangere,

(5) President, Kolar Gold Field Sanitary Board.

In pursuance of sub-section (3) of Section 3 of the said Act, His Highness the Maharaja of Mysore is also pleased to authorise the authorities specified above and their subordinate officers to sign the declarations in writing under the said sub-section.

By Order of His Highness the Maharaja,

GEORGE MATTHAN,

Additional Secretary to Government.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION

No. L.D. 568—Legis. 2-50-18, dated Bangalore, 27th May 1950.

Ordered that the accompanying Army Act, 1950 (XLVI of 1950) published in the *Gazette of India,* dated the 23rd May 1950, be republished in the *Mysore Gazette,* for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Received assent on 20th May 1950)

THE ARMY ACT, 1950 (XLVI OF 1950)

AN

ACT

to consolidate and amend the law relating to the government of the regular Army.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(*1*) This Act may be called the Army Act, 1950.

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(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. *Persons subject to this Act.*—(1) The following persons shall be subject to this Act wherever they may be, namely :—

(a) officers, junior commissioned officers and warrant officers of the regular Army;

(b) persons enrolled under this Act;

(c) persons belonging to the Indian Reserve Forces;

(d) persons belonging to the Indian Supplementary Reserve Forces when called out for service or when carrying out the annual test;

(e) officers of the Territorial Army, when doing duty as such officers, and enrolled persons of the said Army when called out or embodied or attached to any regular forces, subject to such adaptations and modifications as may be made in the application of this Act to such persons under sub-section (1) of section 9 of the Territorial Army Act, 1948 (LVI of 1948);

(f) persons holding commissions in the Army in India Reserve of Officers, when ordered on any duty or service for which they are liable as members of such reserve forces;

(g) officers appointed to the Indian Regular Reserve of Officers, when ordered on any duty or service for which they are liable as members of such reserve forces;

(h) persons belonging to the land forces of a part B State, when such persons are attached to any body of the regular Army for service, or when the whole or a part of the said forces is acting with any body of the regular Army or is placed at the disposal of the Central Government in pursuance of a notification under section 5;

(i) persons not otherwise subject to military law who, on active service, in camp, on the march or at any frontier post specified by the Central Government by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, the regular Army.

(2) Every person subject to this Act under clauses (a) to (h) of sub-section (1) shall remain so subject until duly retired, discharged, released, removed, dismissed or cashiered from the service.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(i) "active service", as applied to a person subject to this Act, means the time during which such person—

(a) is attached to, or forms part of, a force which is engaged in operation against an enemy, or

(b) is engaged in military operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or

(c) is attached to or forms part of a force which is in military occupation of a foreign country;

(ii) "civil offence" means an offence which is triable by a criminal court;

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(*iii*) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894 (IX of 1894), or under any other law for the time being in force;

(*iv*) "Commander-in-Chief" means the officer commanding-in-chief the regular Army;

(*v*) "commanding officer", when used in any provision of this Act, with reference to any separate portion of the regular Army or to any department thereof, means the officer whose duty it is under the regulations of the regular Army, or in the absence of any such regulations, by the custom of the service, to discharge with respect to that portion of the regular Army or that department, as the case may be, the functions of a commanding officer in regard to matters of the description referred to in that provision;

(*vi*) "corps" means any separate body of persons subject to this Act, which is prescribed as a corps for the purposes of all or any of the provisions of this Act;

(*vii*) "court-martial" means a court-martial held under this Act;

(*viii*) "criminal court" means a court of ordinary criminal justice in any part of India, other than the State of Jammu and Kashmir;

(*ix*) "department" includes any division or branch of a department;

(*x*) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to military law to act;

(*xi*) "the Forces" means the regular Army, Navy and Air Force or any part of any one or more of them;

(*xii*) "junior commissioned officer" means a person commissioned, gazetted or in pay as a junior commissioned officer in the regular Army or the Indian Reserve Forces, and includes a person holding a junior commission in the Indian Supplementary Reserve Forces, or the Territorial Army or a junior or equivalent commission in the land forces of a Part B State, who is for the time being subject to this Act;

(*xiii*) "military custody" means the arrest or confinement of a person according to the usages of the service and includes naval or air force custody;

(*xiv*) "military reward" includes any gratuity or annuity for long service or good conduct, good service pay or pension, and any other military pecuniary reward;

(*xv*) "non-commissioned officer" means a person holding a non-commissioned rank or an acting non-commissioned rank in the regular Army or the Indian Reserve Forces, and includes a non-commissioned officer or acting non-commissioned officer of the Indian Supplementary Reserve Forces or the territorial Army or the land forces of a Part B State, who is for the time being subject to this Act;

(*xvi*) "notification" means a notification published in the Official Gazette;

(*xvii*) "offence" means any act or omission punishable under this Act and includes a civil offence as hereinbefore defined;

(*xviii*) "officer" means a person commissioned, gazetted or in pay as an officer in the regular Army, and includes—

(*a*) an officer of the Indian Reserve Forces;

(*b*) an officer holding a commission in the Territorial Army granted by the President with designation of rank corresponding to that of an officer of the regular Army who is for the time being subject to this Act;

(*c*) an officer of the Army in India Reserve of Officers who is for the time being subject to this Act;

(*d*) an officer of the Indian Regular Reserve of Officers who is for the time being subject to this Act;

(*e*) an officer of the land forces of any Part B State who is for the time being subject to this Act;

(*f*) in relation to a person subject to this Act when serving under such conditions as may be prescribed, an officer of the Navy or Air Force;

but does not include a junior commissioned officer, warrant officer, petty officer or non-commissioned officer;

(*xix*) "prescribed" means prescribed by rules made under this Act;

(*xx*) "provost-marshal" means a person appointed as such under section 107 and includes any of his deputies or assistants or any other person legally exercising authority under him or on his behalf;

(*xxi*) "regular Army" means officers, junior commissioned officers, warrant officers, non-commissioned officers and other enrolled persons who, by their commission, warrant, terms of enrolment or otherwise, are liable, to render continuously for a term military service to the Union in any part of the world, including persons belonging to the Reserve Forces and the Territorial Army when called out on permanent service;

(*xxii*) "regulation" includes a regulation made under this Act;

(*xxiii*) "superior officer", when used in relation to a person subject to this Act, includes a junior commissioned officer, warrant officer and a non-commissioned officer, and, as regards persons placed under his orders, an officer, warrant officer, petty officer and non-commissioned officer of the Navy or Air Force;

(*xxiv*) "warrant officer" means a person appointed, gazetted or in pay as a warrant officer of the regular Army or of the Indian Reserve Forces, and includes a warrant officer of the Indian Supplementary Reserve Forces or of the Territorial Army or of the land forces of a Part B State who is for the time being subject to this Act;

(*xxv*) all words and expressions used but not defined in this Act and defined in the Indian Penal Code (Act XLV of 1860) shall be deemed to have the meanings assigned to them in that Code.

CHAPTER II

Special Provisions for the Application of Act in certain cases

4. *Application of Act to certain forces under Central Government.*—(*1*) The Central Government may, by notification, apply, with or without

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modifications, all or any of the provisions of this Act to any force raised and maintained in India under the authority of that Government, including any force maintained by a Part B State, and suspend the operation of any other enactment for the time being applicable to the said force.

(*2*) The provisions of this Act so applied shall have effect in respect of persons belonging to the said force as they have effect in respect of persons subject to this Act holding in the regular Army the same or equivalent rank as the aforesaid persons hold for the time being in the said force.

(*3*) The provisions of this Act so applied shall also have effect in respect of persons who are employed by or are in the service of or are followers of or accompany any portion of the said force as they have effect in respect of persons subject to this Act under clause (*i*) of section 2.

(4) While any of the provisions of this Act apply to the said force, the Central Government may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of these provisions shall be exercised or performed in respect of the said force.

5. *Application of Act to forces of Part B States.*—(*1*) The Central Government may, by notification, direct that any person or persons belonging to the land forces of any Part B State shall be attached to any body of the regular Army or that the whole or a part of the said forces shall act with any body of the regular Army, or shall be placed at the disposal of the Central Government, and thereupon the persons so attached and members of the said force shall become subject to this Act.

(*2*) The relative rank of officers, junior commissioned officers, warrant officers and non-commissioned officers of such forces and of the regular Army shall be such as may be determined by the Central Government or by such other authority as may be prescribed.

6. *Special provision as to rank in certain cases.*—(*1*) The Central Government may, by notification, direct that any persons or class of persons subject to this Act under clause (*i*) of section 2 shall be so subject as officers, junior commissioned officers, warrant officers or non-commissioned officers and may authorise any officer to give a like direction and to cancel such direction.

(*2*) All persons subject to this Act other than officers, junior commissioned officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (*1*) is in force, be deemed to be of a rank inferior to that of a non-commissioned officer.

7. *Commanding officer of persons subject to military law under clause* (*i*) *of section 2.*—(*1*) Every person subject to this Act under clause (*i*) of section 2 shall, for the purposes of this Act, be deemed to be under the commanding officer of the corps, department, or detachment, if any, to which he is attached, and, if he is not so attached, under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person for the time being is serving, or any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force.

(*2*) An officer commanding a force shall not place a person subject to this Act under clause (*i*) of section 2 under the command of an officer of rank inferior to that of such person, if there is present at the place where such person is any officer of a higher rank under whose command he can be placed.

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8. *Officers exercising powers in certain cases.*—(*1*) Whenever persons subject to this Act are serving under an officer commanding any military organisation, not in this section specifically named and being in the opinion of the Central Government not less than a brigade, that Government may prescribe the officer by whom the powers, which under this Act may be exercised by officers commanding armies, army corps, divisions and brigades, shall, as regards such persons, be exercised.

(*2*) The Central Government may confer such powers, either absolutely or subject to such restrictions, reservations, exceptions and conditions, as it may think fit.

9. *Power to declare persons to be on active service.*—Notwithstanding anything contained in clause (*i*) of section 3, the Central Government may, by notification, declare that any person or class of persons subject to this Act shall, with reference to any area in which they may be serving or with reference to any provision of this Act or of any other law for the time being in force, be deemed to be on active service within the meaning of this Act.

CHAPTER III

Commission, Appointment and Enrolment

10. *Commission and appointment.*—The President may grant, to such person as he thinks fit, a commission as an officer, or as a junior commissioned officer or appoint any person as a warrant officer of the regular Army.

11. *Ineligibility of aliens for enrolment.*—No person who is not a citizen of India shall, except with the consent of the Central Government signified in writing, be enrolled in the regular Army:

Provided that nothing contained in this section shall bar the enrolment of the subjects of Nepal in the regular Army.

12. *Ineligibility of females for enrolment or employment.*—No female shall be eligible for enrolment or employment in the regular Army, except in such corps, department, branch or other body forming part of, or attached to any portion of, the regular Army as the Central Government may, by notification in the Official Gazette, specify in this behalf:

Provided that nothing contained in this section shall affect the provisions of any law for the time being in force providing for the raising and maintenance of any service auxiliary to the regular Army or any branch thereof in which females are eligible for enrolment or employment.

13. *Procedure before enrolling officer.*—Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of the service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question.

14. *Mode of enrolment.*—If, after complying with the provisions of section 13, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of

service, and if such officer perceives no impediment, he shall sign and shall also cause such person to sign the enrolment paper, and such person shall thereupon be deemed to be enrolled.

15. *Validity of enrolment.*—Every person who has for the space of three months been in receipt of pay as a person enrolled under this Act and been borne on the rolls of any corps or department shall be deemed to have been duly enrolled, and shall not be entitled to claim his discharge on the ground of any irregularity or illegality in his enrolment or on any other ground whatsoever; and if any person, in receipt of such pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment, no such irregularity or illegality or other ground shall, until he is discharged in pursuance of his claim, affect his position as an enrolled person under this Act or invalidate any proceeding, act or thing taken or done prior to his discharge.

16. *Persons to be attested.*—The following persons shall be attested, namely:—

(*a*) all persons enrolled as combatants;

(*b*) all persons selected to hold a non-commissioned or acting non-commissioned rank; and

(*c*) all other persons subject to this Act as may be prescribed by the Central Government.

17. *Mode of attestation.*—(*1*) When a person who is to be attested is reported fit for duty, or has completed the prescribed period of probation, an oath or affirmation shall be administered to him in the prescribed form by his commanding officer in front of his corps or such portion thereof or such members of his department as may be present, or by any other prescribed person.

(*2*) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will bear true allegiance to the Constitution of India as by law established, and that he will serve in the regular Army and go wherever he is ordered by land, sea or air, and that he will obey all commands of any officer set over him, even to the peril of his life.

(*3*) The fact of an enrolled person having taken the oath or affirmation directed by this section to be taken shall be entered on his enrolment paper, and authenticated by the signature of the officer administering the oath or affirmation.

CHAPTER IV

Conditions of Service

18. *Tenure of service under the Act.*—Every person subject to this Act shall hold office during the pleasure of the President.

19. *Termination of service by Central Government.*—Subject to the provisions of this Act and the rules and regulations made thereunder the Central Government may dismiss, or remove from the service, any person subject to this Act.

20. *Dismissal, removal or reduction by Commander-in-Chief and by other officers.*—(*1*) The Commander-in-Chief may dismiss or remove from the service any person subject to this Act other than an officer,

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(2) The Commander-in-Chief may reduce to a lower grade or rank or the ranks, any warrant officer or any non-commissioned officer.

(3) An officer having power not less than a brigade or equivalent commander or any prescribed officer may dismiss or remove from the service any person serving under his command other than an officer or a junior commissioned officer.

(4) Any such officer as is mentioned in sub-section (3) may reduce to a lower grade or rank or the ranks, any warrant officer or any non-commissioned officer under his command.

(5) A warrant officer reduced to the ranks under this section shall not, however, be required to serve in the ranks as a sepoy.

(6) The commanding officer of an acting non-commissioned officer may order him to revert to his permanent grade as a non-commissioned officer, or if he has no permanent grade above the ranks, to the ranks.

(7) The exercise of any power under this section shall be subject to the said provisions contained in this Act and the rules and regulations made thereunder.

21. *Power to modify certain fundamental rights in their application to persons subject to this Act.*—Subject to the provisions of any law for the time being in force relating to the regular Army or to any branch thereof, the Central Government may, by notification, make rules, restricting to such extent and in such manner as may be necessary the right of any person subject to this Act—

(a) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade or labour unions or any society, institution or association, or any class of societies, institutions or associations;

(b) to attend or address any meeting or to take part in any demonstration organised by any body of persons for any political or other purposes;

(c) to communicate with the press or to publish or cause to be published any book, letter or other document.

22. *Retirement, release or discharge.*—Any person subject to this Act may be retired, released or discharged from the service by such authority and in such manner as may be prescribed.

23. *Certificate on termination of service.*—Every junior commissioned officer, warrant officer, or enrolled person who is dismissed, removed, discharged, retired or released from the service shall be furnished by his commanding officer with a certificate, in the language which is the mother tongue of such person and also in the English language setting forth—

(a) the authority terminating his service;

(b) the cause for such termination; and

(c) the full period of his service in the regular Army.

24. *Discharge or dismissal when out of India.*—(1) Any person enrolled under this Act who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of India,

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and requests to be sent to India, shall, before being discharged, be sent to India with all convenient speed.

(*2*) Any person enrolled under this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed.

(*3*) Where any such person as is mentioned in sub-section (*2*) is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of transportation or imprisonment, a portion of such sentence may be inflicted before he is sent to India.

(*4*) For the purposes of this section, the word "discharge" shall include release, and the word "dismissal" shall include removal.

CHAPTER V

Service Privileges

25. *Authorised deductions only to be made from pay.*—The pay of every person subject to this Act due to him as such under any regulation for the time being in force shall be paid without any deduction other than the deductions authorised by or under this or any other Act.

26. *Remedy of aggrieved persons other than officers.*—(*1*) Any person subject to this Act other than an officer who deems himself wronged by any superior or other officer may, if not attached to a troop or company, complain to the officer under whose command or orders he is serving; and may, if attached to a troop or company, complain to the officer commanding the same.

(*2*) When the officer complained against is the officer to whom any complaint should, under sub-section (*1*), be preferred, the aggrieved person may complain to such officer's next superior officer.

(*3*) Every officer receiving any such complaint shall make as complete an investigation into it as may be possible for giving full redress to the complainant; or, when necessary, refer the complaint to superior authority.

(*4*) Every such complaint shall be preferred in such manner as may from time to time be specified by the proper authority.

(*5*) The Central Government may revise any decision by the Commander-in-Chief under sub-section (*2*), but, subject thereto, the decision of the Commander-in-Chief shall be final.

27. *Remedy of aggrieved officers.*—Any officer who deems himself wronged by his commanding officer or any superior officer and who on due application made to his commanding officer does not receive the redress to which he considers himself entitled, may complain to the Central Government in such manner as may from time to time be specified by the proper authority.

28. *Immunity from attachment.*—Neither the arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act, nor any animal used by him for the discharge of his duty, shall be seized, nor shall the pay and allowances of any such person or any part thereof be attached by direction of any civil or revenue court or any revenue officer in satisfaction of any decree or order enforceable against him.

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29. *Immunity from arrest for debt.*—(*1*) No person subject to this Act shall, so long as he belongs to the Forces, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue officer.

(*2*) The judge of any such court or the said officer may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(*3*) For the recovery of such costs no court-fee shall be payable by the complainant.

30. *Immunity of persons attending courts-martial from arrest.*—(*1*) No presiding officer or member of a court-martial, no judge advocate, no party to any proceeding before a court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial shall, while proceeding to, attending, or returning from, a court-martial, be liable to arrest under civil or revenue process.

(*2*) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

31. *Privileges of reservists.*—Every person belonging to the Indian Reserve Forces shall, when called out for or engaged in or returning from, training or service, be entitled to all the privileges accorded by sections 28 and 29 to a person subject to this Act.

32. *Priority in respect of army personnel's litigation.*—(*1*) On the presentation to any court by or on behalf of any person subject to this Act of a certificate from the proper military authority of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such person, arrange, so far as may be possible, for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

(*2*) The certificate from the proper military authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(*3*) No fee shall be payable to the court in respect of the presentation of any such certificate, or of any application by or on behalf of any such person, for priority for the hearing of his case.

(*4*) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for its inability to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(*5*) If in any case a question arises as to the proper military authority qualified to grant such certificate as aforesaid, such question shall at once be referred by the court to an officer having power not less than a brigade or equivalent commander whose decision shall be final.

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33. *Saving of rights and privileges under other laws.*—The rights and privileges specified in the preceding sections of this Chapter shall be in addition to, and not in derogation of, any other rights and privileges conferred on persons subject to this Act or on members of the regular Army, Navy and Air Force generally by any other law for the time being in force.

CHAPTER VI

OFFENCES

34. *Offences in relation to the enemy and punishable with death.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) shamefully abandons or delivers up any garrison, fortress, post, place or guard, committed to his charge, or which it is his duty to defend, or uses any means to compel or induce any commanding officer or other person to commit any of the said acts; or

(*b*) intentionally uses any means to compel or induce any person subject to military, naval or air force law to abstain from acting against the enemy, or to discourage such person from acting against the enemy; or

(*c*) in the presence of the enemy, shamefully casts away his arms, ammunition, tools or equipment or misbehaves in such manner as to show cowardice; or

(*d*) treacherously holds correspondence with, or communicates intelligence to, the enemy or any person in arms against the Union; or

(*e*) directly or indirectly assists the enemy with money, arms, ammunition, stores or supplies; or

(*f*) treacherously or through cowardice sends a flag of truce to the enemy; or

(*g*) in time of war or during any military operation, intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports calculated to create alarm or despondency; or

(*h*) in time of action leaves his commanding officer or his post, guard, picquet, patrol or party without being regularly relieved or without leave; or

(*i*) having been made a prisoner of war, voluntcerily serves with or aids the enemy; or

(*j*) knowingly harbours or protects an enemy not being a prisoner; or

(*k*) being a sentry in time of war or alarm, sleeps upon his post or is intoxicated; or

(*l*) knowingly does any act calculated to imperil the success of the military, naval or air forces of India or any forces co-operating therewith or any part of such forces;

shall, on conviction by court-martial, be liable to suffer death or such less punishment as is in this Act mentioned.

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35. *Offences in relation to the enemy and not punishable with death.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner, fails to rejoin his service when able to do so; or

(*b*) without due authority holds correspondence with or communicates intelligence to the enemy or having come by the knowledge of any such correspondence or communication, wilfully omits to discover it immediately to his commanding or other superior officer; or

(*c*) without due authority sends a flag of truce to the enemy;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

36. *Offences punishable more severely on active service than at other times.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) forces a safeguard, or forces or uses criminal force to a sentry; or

(*b*) breaks into any house or other place in search of plunder; or

(*c*) being a sentry sleeps upon his post, or is intoxicated; or

(*d*) without orders from his superior officer leaves his guard, picquet, patrol or post; or

(*e*) intentionally or through neglect occasions a false alarm in camp, garrison, or quarters; or spreads reports calculated to create unnecessary alarm or despondency; or

(*f*) makes known the parole, watchword or countersign to any person not entitled to receive it; or knowingly gives a parole, watchword or countersign different from what he received;

shall, on conviction by court-martial,

if he commits any such offence when on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if he commits any such offence when not on active service, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

37. *Mutiny.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) begins, incites, causes, or conspires with any other persons to cause any mutiny in the military, naval or air forces of India or any forces co-operating therewith; or

(*b*) joins in any such mutiny; or

(*c*) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or

(*d*) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his commanding or other superior officer; or

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(*e*) endeavours to seduce any person in the military, naval or air forces of India from his duty or allegiance to the Union;

shall, on conviction by court-martial, be liable to suffer death or such less punishment as is in this Act mentioned.

38. *Desertion and aiding desertion.*—(*1*) Any person subject to this Act who deserts or attempts to desert the service shall, on conviction by court-martial,

if he commits the offence on active service or when under orders for active service, be liable to suffer death or such less punishment as is in this Act mentioned; and

if he commits the offence under any other circumstances, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(*2*) Any person subject to this Act who, knowingly harbours any such deserter shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(*3*) Any person subject to this Act who, being cognizant of any desertion or attempt at desertion of a person subject to this Act, does not forthwith give notice to his own or some other superior officer, or take any steps in his power to cause such person to be apprehended, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

39. *Absence without leave.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) absents himself without leave; or

(*b*) without sufficient cause overstays leave granted to him; or

(*c*) being on leave of absence and having received information from proper authority that any corps, or portion of a corps, or any department, to which he belongs, has been ordered on active service, fails, without sufficient cause, to rejoin without delay; or

(*d*) without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise or duty; or

(*e*) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer, quits the parade or line of march; or

(*f*) when in camp or garrison or elsewhere, is found beyond any limits fixed, or in any place prohibited, by any general, local or other order, without a pass or written leave from his superior officer; or

(*g*) without leave from his superior officer or without due cause, absents himself from any school when duly ordered to attend there;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

40. *Striking or threatening superior officers.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) uses criminal force to or assaults his superior officer; or

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(*b*) uses threatening language to such officer; or

(*c*) uses insubordinate language to such officer;

shall, on conviction by court-martial,

if such officer is at the time in the execution of his office or, if the offence is committed on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

in other cases, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned:

Provided that in the case of an offence specified in clause (*c*), the imprisonment shall not exceed five years.

41. *Disobedience to superior officer.*—(*1*) Any person subject to this Act who disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

(*2*) Any person subject to this Act who disobeys any lawful command given by his superior officer shall on conviction by court-martial,

if he commits such offence when on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if he commits such offence when not on active service, be liable to suffer imprisonment for a term which may extend to five years or such less imprisonment as is in this Act mentioned.

42. *Insubordination and obstruction.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) being concerned in any quarrel, affray, or disorder, refuses to obey any officer, though of inferior rank, who orders him into arrest, or uses criminal force to or assaults any such officer; or

(*b*) uses criminal force to, or assaults any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether he is or is not superior officer; or

(*c*) resists an escort whose duty it is to apprehend him or to have him in charge; or

(*d*) breaks out of barracks, camp or quarters; or

(*e*) neglects to obey any general, local or other order; or

(*f*) impedes the provost-marshal or any person lawfully acting on his behalf, or when called upon, refuses to assist in the execution of his duty a provost-marshal or any person lawfully acting on his behalf; or

(*g*) uses criminal force to or assaults any person bringing provisions or supplies to the forces;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clauses (*d*) and (*e*) to two years, and in the case of the offences specified in the other clauses to ten years, or such less punishment as is in this Act mentioned.

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43. *Fraudulent enrolment.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) without having obtained a regular discharge from the corps or department to which he belongs, or otherwise fulfilled the conditions enabling him to enrol or enter, enrols himself in, or enters the same or any other corps or department or any part of the naval or air forces of India or the Territorial Army; or

(*b*) is concerned in the enrolment in any part of the Forces of any person when he knows or has reason to believe such person to be so circumstanced that by enrolling he commits an offence against this Act;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

44. *False answers on enrolment.*—Any person having become subject to this Act who is discovered to have made at the time of enrolment a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

45. *Unbecoming conduct.*—Any officer, junior commissioned officer or warrant officer who behaves in a manner unbecoming his position and the character expected of him shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned; and, if he is a junior commissioned officer or a warrant officer, be liable to be dismissed or to suffer such less punishment as is in this Act mentioned.

46. *Certain forms of disgraceful conduct.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or

(*b*) malingers, or feigns, or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or

(*c*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

47. *Ill-treating a subordinate.*—Any officer, junior commissioned officer, warrant officer or non-commissioned officer who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

48. *Intoxication.*—(*1*) Any person subject to this Act who is found in a state of intoxication, whether on duty or not, shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned; and, if he is not an officer, be liable,

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subject to the provisions of sub-section (2), to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

(2) Where an offence of being intoxicated is committed by a person other than an officer when not on active service or not on duty, the period of imprisonment awarded shall not exceed six months.

49. *Permitting escape of person in custody.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) when in command of a guard, picquet, patrol or post, releases without proper authority, whether wilfully or without reasonable excuse, any person committed to his charge, or refuses to receive any prisoner or person so committed; or

(b) wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard;

shall, on conviction by court-martial, be liable, if he has acted wilfully to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and if he has not acted wilfully, to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

50. *Irregularity in connection with arrest or confinement.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or

(b) having committed a person to military custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing signed by himself of the offence with which the person so committed is charged;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

51. *Escape from custody.*—Any person subject to this Act who, being in lawful custody, escapes or attempts to escape, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

52. *Offences in respect of property.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) commits theft of any property belonging to the Government, or to any military, naval or air force mess, band or institution, or to any person subject to military, naval or air force law; or

(b) dishonestly misappropriates or converts to his own use any such property; or

(c) commits criminal breach of trust in respect of any such property; or

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(*d*) dishonestly receives or retains any such property in respect of which any of the offences under clauses (*a*), (*b*) and (*c*) has been committed, knowing or having reason to believe the commission of such offence; or

(*e*) wilfully destroys or injures any property of the Government entrusted to him; or

(*f*) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

53. *Extortion and corruption.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) commits extortion; or

(*b*) without proper authority exacts from any person money, provisions or service;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

54. *Making away with equipment.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) makes away with, or is concerned in making away with, any arms, ammunition, equipment, instruments, tools, clothing or any other thing being the property of the Government issued to him for his use or entrusted to him; or

(*b*) loses by neglect anything mentioned in clause (*a*); or

(*c*) sells, pawns, destroys or defaces any medal or decoration granted to him;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend in the case of the offences specified in clase (*a*) to ten years, and in the case of the offences specified in the other clauses to five years, or such less punishment as is in this Act mentioned.

55. *Injury to property.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) destroys or injures any property mentioned in clause (*a*) of section 54 or any property belonging to any military, naval or air force mess, band or institution, or to any person subject to military, naval or air force law, or serving with, or attached to, the regular Army; or

(*b*) commits any act which causes damage to, or destruction of, any property of the Government by fire; or

(*c*) kills, injures, makes away with, ill-treats or loses any animal entrusted to him;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and if he has acted without reasonable excuse, to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

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56. *False accusations.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(*b*) in making a complaint under section 26 or section 27 makes any statement affecting the character of any person subject to this Act, knowing or having reason to believe such statement to be false or knowingly and wilfully supresses any material facts:

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

57. *Falsifying official documents and false declaration.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) in any report, return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of any false or fraudulent statement; or

(*b*) in any document of the description mentioned in clause (*a*) knowingly makes, or is privy to the making of, any omission, with intent to defraud; or

(*c*) knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or

(*d*) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(*e*) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

58. *Signing in blank and failure to report.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) when signing any document relating to pay, arms, ammunition, equipment, clothing, supplies or stores, or any property of the Government fraudulently leaves in blank any material part for which his signature is a voucher; or

(*b*) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

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59. *Offences relating to courts-martial.*—Any person subject to this Act who commits any of the following offences, that is say,—

(*a*) being duly summoned or ordered to attend as a witness before a court-martial, wilfully or without reasonable excuse, makes default in attending; or

(*b*) refuses to take an oath or make an affirmation legally required by a court-martial to be taken or made; or

(*c*) refuses to produce or deliver any document in his power or control legally required by a court-martial to be produced or delivered by him; or

(*d*) refuses when a witness to answer any question which he is by law bound to answer; or

(*e*) is guilty of contempt of court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

60. *False evidence.*—Any person subject to this Act who, having been duly sworn or affirmed before any court-martial or other court competent under this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

61. *Unlawful detention of pay.*—Any officer, junior commissioned officer, warrant officer or non-commissioned officer who, having received pay of a person subject to this Act unlawfully detains or refuses to pay the same which due, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

62. *Offences in relation to aircraft and flying.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) wilfully or without reasonable excuse damages, destroys or loses any aircraft or aircraft material belonging to the Government; or

(*b*) is guilty of any act or neglect likely to cause such damage, destruction or loss; or

(*c*) without lawful authority disposes of any aircraft or aircraft material belonging to the Government; or

(*d*) is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person; or

(*e*) during a state of war, wilfully and without proper occasion, or negligently, causes the sequestration, by or under the authority of a neutral State, or the destruction in a neutral State of any aircraft belonging to the Government;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less

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punishment as is in this Act mentioned, and, in any other case, to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

63. *Violation of good order and discipline.*—Any person subject to this Act who is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and military discipline shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

64. *Miscellaneous offences.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or

(*b*) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person; or

(*c*) attempts to commit suicide, and in such attempt does any act towards the commission of such offence; or

(*d*) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bazar, carrying a rifle, sword or other offensive weapon; or

(*e*) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service; or

(*f*) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

65. *Attempt.*—Any person subject to this Act who attempts to commit any of the offences specified in sections 34 to 64 inclusive and in such attempt does any act towards the commission of the offence shall, on conviction by court-martial, where no express provision is made by this Act for the punishment of such attempt, be liable,

if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

66. *Abetment of offences that have been committed.*—Any person subject to this Act who abets the commission of any of the offences specified in sections 34 to 64 inclusive shall, on conviction by court-martial, if the Act

abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer the punishment provided for that offence or such less punishment as is in this Act mentioned.

67. *Abetment of offences punishable with death and not committed.*—Any person subject to this Act who abets the commission of any of the offences punishable with death under sections 34, 37 and sub-section (*1*) of section 38 shall, on conviction by court-martial, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

68. *Abetment of offences punishable with imprisonment and not committed.*—Any person subject to this Act who abets the commission of any of the offences specified in sections 34 to 64 inclusive and punishable with imprisonment shall, on conviction by court-martial, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

69. *Civil offences.*—Subject to the provisions of section 70, any person subject to this Act who at any place in or beyond India commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section, shall be liable to be tried by a court-martial and, on conviction, be punishable as follows, that is to say,—

(*a*) if the offence is one which would be punishable under any law in force in India with death or with transportation, he shall be liable to suffer any punishment, other than whipping, assigned for the offence, by the aforesaid law and such less punishment as is in this Act mentioned; and

(*b*) in any other case, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by the law in force in India, or imprisonment for a term which may extend to seven years, or such less punishment as is in this Act mentioned.

70. *Civil offences not triable by court-martial.*—A person subject to this Act who commits an offence of murder against a person not subject to military, naval or air force law, or of culpable homicide not amounting to murder against such a person or of rape in relation to such a person, shall not be deemed to be guilty of an offence against this Act and shall not be tried by a court-martial, unless he commits any of the said offences—

(*a*) while on active service, or

(*b*) at any place outside India, or

(*c*) at a frontier post specified by the Central Government by notification in this behalf.

Explanation.—In this section and in section 69, "India" does not include the State of Jammu and Kashmir.

CHAPTER VII

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PUNISHMENTS

71. *Punishments awardable by courts-martial.*—Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by courts-martial, according to the scale following, that is to say,—

(*a*) death ;

(*b*) transportation for life or for any period not less than seven years ;

(*c*) imprisonment, either rigorous or simple, for any period not exceeding fourteen years ;

(*d*) cashiering, in the case of officers ;

(*e*) dismissal from the service ;

(*f*) reduction to the ranks or to a lower rank or grade or place in the list of their rank, in the case of warrant officers ; and reduction to the ranks or to a lower rank or grade, in the case of non-commissioned officers :

Provided that a warrant officer reduced to the ranks shall not be required to serve in the ranks as a sepoy ;

(*g*) forfeiture of seniority of rank, in the case of officers, junior commissioned officers, warrant officers and non-commissioned officers ; and forfeiture of all or any part of their service for the purpose of promotion, in the case of any of them whose promotion depends upon length of service ;

(*h*) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose ;

(*i*) severe reprimand or reprimand, in the case of officers, junior commissioned officers, warrant officers and non-commissioned officers ;

(*j*) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active service ;

(*k*) forfeiture in the case of a person sentenced to cashiering or dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such cashiering or dismissal ;

(*l*) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

72. *Alternative punishments awardable by court-martial.*—Subject to the provisions of this Act, a court-martial may, on convicting a person subject to this Act of any of the offences specified in sections 34 to 68 inclusive, award either the particular punishment with which the offence is stated in the said sections to be punishable, or, in lieu thereof, any one of the punishments lower in the scale set out in section 71, regard being had to the nature and degree of the offence.

73. *Combination of punishments.*—A sentence of a court-martial may award in addition to, or without any one other punishment, the punishment specified in clause (*d*) or clause (*e*) of section 71 and any one or more of the punishments specified in clauses (*f*) to (*l*) of that section.

74. *Cashiering of officers.*—An officer shall be sentenced to be cashiered before he is awarded any of the punishments specified in clauses (*a*) to (*c*) of section 71.

75. *Field punishment.*—Where any person subject to this Act and under the rank of warrant officer commits any offence on active service, it shall be lawful for a court-martial to award for that offence any such punishment as is prescribed as a field punishment. Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb and shall not include flogging.

76. *Position of field punishment in scale of punishments.*—Field punishment shall for the purpose of commutation be deemed to stand next below dismissal in the scale of punishments specified in section 71.

77. *Result of certain punishments in the case of a warrant officer or non-commissioned officer.*—A warrant officer or a non-commissioned officer sentenced by a court-martial to transportation, imprisonment, filed punishment or dismissal from the service, shall be deemed to be reduced to the ranks.

78. *Retention in the ranks of a person convicted on active service.*—When, on active service, any enrolled person has been sentenced by a court-martial to dismissal, or to transportation or imprisonment whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and such service shall be reckoned as part of his term of transportation or imprisonment, if any.

79. *Punishments otherwise than by court-martial.*—Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a court-martial and in the manner stated in sections 80, 83, 84 and 85.

80. *Punishment of persons other than officers, junior commissioned officers and warrant officers.*—Subject to the provisions of section 81, a commanding officer or such other officer as is, with the consent of the Central Government, specified by the Commander-in-Chief, may, in the prescribed manner, proceed against a person subject to this Act otherwise than as an officer, junior commissioned officer or warrant officer who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,—

(*a*) imprisonment in military custody up to twenty-eight days;

(*b*) detention up to twenty-eight days;

(*c*) confinement to the lines up to twenty-eight days;

(*d*) extra guards or duties;

(*e*) deprivation of a position of the nature of an appointment or of corps or working pay, and in the case of non-commissioned officers, also deprivation of acting rank or reduction to a lower grade of pay;

(*f*) forfeiture of good service and good conduct pay;

(*g*) severe reprimand or reprimand;

(*h*) fine up to fourteen days' pay in any one month;

(*i*) penal deductions under clause (*g*) of section 91;

(*j*) any prescribed field punishment up to twenty-eight days, in the case of a person on active service,

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81. *Limit of punishments under section 80.*—(*1*) An award of punishment under section 80 shall not include field punishment in addition to one or more of the punishments specified in clauses (*a*), (*b*) and (*c*) of that section.

(*2*) In the case of an award of two or more of the punishments specified in clauses (*a*), (*b*), (*c*) and (*d*) of the said section, the punishment specified in clause (*c*) or clause (*d*) shall take effect only at the end of the punishment specified in clause (*a*) or clause (*b*).

(*3*) When two or more of the punishments specified in the said clauses (*a*), (*b*) and (*c*) are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.

(*4*) The punishments specified in clauses (*a*), (*b*), (*c*) and (*j*), of section 80 shall not be awarded to any person who is of the rank of non-commissioned officer or was, at the time of committing the offence for which he is punished, of such rank.

(*5*) The punishment specified in clause (*g*) of the said section shall not be awarded to any person below the rank of a non-commissioned officer.

82. *Punishments in addition to those specified in section 80.*—The Commander-in-Chief may, with the consent of the Central Government, specify such other punishments as may be awarded under section 80 in addition to or without any of the punishments specified in the said section, and the extent to which such other punishments may be awarded.

83. *Punishment of officers, junior commissioned officers and warrant officers by brigade commanders and others.*—An officer having power not less than a brigade, or an equivalent commander or such other officer as is, with the consent of the Central Government, specified by the Commander-in-Chief may in the prescribed manner, proceed against an officer below the rank of a field officer, a junior commissioned officer or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say,—

(*a*) severe reprimand or reprimand;

(*b*) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

84. *Punishment of officers, junior commissioned officers and warrant officers by area commanders and others.*—An officer having power not less than an area commander or an equivalent commander or an officer empowered to convene a general court-martial or such other officer as is, with the consent of the Central Government, specified by the Commander-in-Chief may, in the prescribed manner, proceed against an officer below the rank of lieutenant-colonel, a junior commissioned officer or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say,—

(*a*) forfeiture of seniority, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by a court-martial;

(*b*) severe reprimand or reprimand;

(*c*) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

85. *Punishment of junior commissioned officers.*—A commanding officer or such other officer as is, with the consent of the Central Government, specified by the Commander-in-Chief may, in the prescribed manner, proceed against a junior commissioned officer who is charged with an offence under this Act and award the punishment of stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

86. *Transmission of proceedings.*—In every case in which punishment has been awarded under any of the sections 83, 84 and 85, certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment, to a superior military authority as defined in section 88.

87. *Review of proceedings.*—If any punishment awarded under any of the sections 83, 84 and 85 appears to a superior military authority as defined in section 88 to be illegal, unjust or excessive, such authority may cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

88. *Superior military authority.*—For the purpose of sections 86 and 87, a 'superior military authority' means—

(*a*) in the case of punishments awarded by a commanding officer, any officer superior in command to such commanding officer;

(*b*) in the case of punishments awarded by any other authority, the Central Government, the Commander-in-Chief or other officer specified by the Commander-in-Chief.

89. *Collective fines.*—(*1*) Whenever any weapon or part of a weapon forming part of the equipment of a half squadron, battery, company or other similar unit is lost or stolen, the officer commanding the army, army corps, division or independent brigade to which such unit belongs may, after obtaining the report of a court of inquiry, impose a collective fine upon the junior commissioned officers, warrant officers, non-commissioned officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

(*2*) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

CHAPTER VIII

Penal Deductions

90. *Deductions from pay and allowances of officers.*—The following penal deductions may be made from the pay and allowances of an officer, that is to say,—

(*a*) all pay and allowances due to an officer for every day he absents himself without leave, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Central Government;

(*b*) all pay and allowances for every day while he is in custody or under suspension from duty on a charge for an offence for which he is afterwards convicted by a Criminal Court or a court-martial or by an officer exercising authority under section 83 or section 84;

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(*c*) any sum required to make good the pay of any person subject to this Act which he has unlawfully retained or unlawfully refused to pay;

(*d*) any sum required to make good such compensation for any expenses, loss, damage or destruction occasioned by the commission of an offence as may be determined by the court-martial by whom he is convicted of such offence, or by an officer exercising authority under section 83 or section 84;

(*e*) all pay and allowances ordered by a court-martial or an officer exercising authority under section 85 to be forfeited or stopped;

(*f*) any sum required to pay a fine awarded by a criminal court or a court-martial exercising jurisdiction under section 69;

(*g*) any sum required to make good any loss, damage, or destruction of public or regimental property which, after due investigation, appears to the Central Government to have been occasioned by the wrongful act or negligence on the part of the officer;

(*h*) all pay and allowances forfeited by order of the Central Government if the officer is found by a court of inquiry constituted by the Commander-in-Chief in this behalf, to have deserted to the enemy, or while in enemy hands, to have served with, or under the orders of, the enemy, or in any manner to have aided the enemy, or to have allowed himself to be taken prisoner by the enemy through want of due precaution or through disobedience of orders or wilful neglect of duty, or having been taken prisoner by the enemy, to have failed to rejoin his service when it was possible to do so;

(*i*) any sum required by order of the Central Government to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

91. *Deductions from pay and allowances of persons other than officers.*—Subject to the provisions of section 94 the following penal deductions may be made from the pay and allowances of a person subject to this Act other than an officer, that is to say,—

(*a*) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war, and for every day of transportation or imprisonment awarded by a criminal court, a court-martial or an officer exercising authority under section 80, or of field punishment awarded by a court-martial or such officer;

(*b*) all pay and allowances for every day while he is in custody on a charge for an offence of which he is afterwards convicted by a criminal Court or a court-martial, or on a charge of absence without leave for which he is afterwards awarded imprisonment or field punishment by an officer exercising authority under section 80;

(*c*) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;

(*d*) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by order of the Central Government or such officer as may be specified by that Government;

(*e*) all pay and allowances ordered by a court-martial or by an officer exercising authority under any of the sections 80, 83, 84 and 85, to be forfeited or stopped;

(*f*) all pay and allowances for every day between his being recovered from the enemy and his dismissal from the service in consequence of his conduct when being taken prisoner by, or while in the hands of, the enemy;

(*g*) any sum required to make good such compensation for any expenses, loss, damage or destruction caused by him to the Central Government or to any building or property as may be awarded by his commanding officer;

(*h*) any sum required to pay a fine awarded by a criminal court, a court-martial exercising jurisdiction under section 69, or an officer exercising authority under any of the sections 80 and 89;

(*i*) any sum required by order of the Central Government or any prescribed officer to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

92. *Computation of time of absence or custody.*—For the purposes of clauses (*a*) and (*b*) of section 91,—

(*a*) no person shall be treated as absent or in custody for a day unless the absence or custody has lasted, whether wholly in one day, or partly in one day and partly in another, for six consecutive hours or upwards;

(*b*) any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any military duty which was thereby thrown upon some other person;

(*c*) absence or custody for twelve consecutive hours or upwards may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody;

(*d*) a period of absence, or imprisonment, which commences before, and ends after, midnight may be reckoned as a day.

93. *Pay and allowances during trial.*—In the case of any person subject to this Act who is in custdoy or under suspension from duty on a charge for an offence, the prescribed officer may direct that the whole or any part of the pay and allowances of such person shall be withheld, pending the result of his trial on the charge against him, in order to give effect to the provisions of clause (*b*) of sections 90 and 91.

94. *Limit of certain deductions.*—The total deductions from the pay and allowances of a person made under clauses (*e*), (*g*) to (*i*) of section 91 shall not, except where he is sentenced to dismissal, exceed in any one month one-half of his pay and allowances for that month.

95. *Deductions from public money due to a person.*—Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.

96. *Pay and allowances of prisoner of war during inquiry into his conduct.*—Where the conduct of any person subject to this Act when being taken prisoner by, or while in the hands of, the enemy, is to be inquired into under

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this Act or any other law, the Commander-in-Chief or any officer authorised by him may order that the whole or any part of the pay and allowances of such person shall be withheld pending the result of such inquiry.

97. *Remission of deductions.*—Any deduction from pay and allowances authorised by this Act may be remitted in such manner and to such extent, and by such authority, as may from time to time be prescribed.

98. *Provision for dependants of prisoner of war from remitted deductions.*—In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under clause (*h*) of section 99 or clause (*a*) of section 91, but in respect of whom a remission has been made under section 97, it shall be lawful for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

99. *Provision for dependants of prisoner of war from his pay and allowances.*—It shall be lawful for proper provision to be made by the prescribed authorities for any dependants of any person subject to this Act who is a prisoner of war or is missing, out of his pay and allowances.

100. *Period during which a person is deemed to be a prisoner of war.*—For the purposes of sections 98 and 99, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 96, and if he is cashiered or dismissed from the service in consequence of such conduct, until the date of such cashiering or dismissal.

CHAPTER IX

Arrest and Proceedings before Trial

101. *Custody of offenders.*—(*1*) Any person subject to this Act who is charged with an offence may be taken into military custody.

(*2*) Any such person may be ordered into military custody by any superior officer.

(*3*) An officer may order into military custody any officer, though he may be of a higher rank, engaged in a quarrel, affray or disorder.

102. *Duty of commanding officer in regard to detention.*—(*1*) It shall be the duty of every commanding officer to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him to be impracticable having regard to the public service.

(*2*) The case of every person being detained in custody beyond a period of forty-eight hours, and the reason thereof, shall be reported by the commanding officer to the general or other officer to whom application would be made to convene a general or district court-martial for the trial of the person charged.

(*3*) In reckoning the period of forty-eight hours specified in sub-section (*1*), Sundays and other public holidays shall be excluded.

(4) Subject to the provisions of this Act, the Central Government may make rules providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in military custody, pending the trial by any competent authority for any offence committed by him.

103. *Interval between committal and court-martial.*—In every case where any such person as is mentioned in section 101 and as is not on active service remains in such custody for a longer period than eight days, without a court-martial for his trial being ordered to assemble, a special report giving reasons for the delay shall be made by his commanding officer in the manner prescribed, and a similar report shall be forwarded at intervals of every eight days until a court-martial is assembled or such person is released from custody.

104. *Arrest by civil authorities.*—Whenever any person subject to this Act, who is accused of any offence under this Act, is within the jurisdiction of any magistrate or police officer, such magistrate or police officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect signed by his commanding officer.

105. *Capture of deserters.*—(1) Whenever any person subject to this Act deserts, the commanding officer of the corps, department or detachment to which he belongs, shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate, and shall deliver the deserter, when apprehended, into military custody.

(2) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest magistrate, to be dealt with according to law.

106. *Inquiry into absence without leave.*—(1) When any person subject to this Act has been absent from his duty without due authority for a period of thirty days, a court of inquiry shall, as soon as practicable, be assembled, and such court shall, on oath or affirmation administered in the prescribed manner, inquire respecting the absence of the person; and the deficiency, if any, in the property of the Government entrusted to his care, or in any arms, ammunition, equipment, instruments, clothing or necessaries; and if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any, and the commanding officer of the corps or department to which the person belongs shall enter in the court-martial book of the corps or department a record of the declaration.

(2) If the person declared absent does not afterwards surrender or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

107. *Provost-marshals.*—(1) Provost-marshals may be appointed by the Commander-in-Chief or by any prescribed officer.

(2) The duties of a provost-marshal are to take charge of persons confined for any offence, to preserve good order and discipline, and to prevent breaches of the same by persons serving in, or attached to, the regular Army.

(3) A provost-marshal may at any time arrest and detain for trial any person subject to this Act who commits, or is charged with an offence and may

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also carry into effect any punishment to be inflicted in pursuance of the sentence awarded by a court-martial, or by an officer exercising authority under section 80 but shall not inflict any punishment on his own authority:

Provided that no officer shall be so arrested or detained otherwise than on the order of another officer.

(*4*) For the purposes of sub-sections (*2*) and (*3*), a provost-marshal shall be deemed to include a provost-marshal appointed under any law for the time being in force relating to the Government of the Navy or Air Force, and any person legally exercising authority under him or on his behalf.

CHAPTER X

COURTS-MARTIAL

108. *Kinds of courts-martial.*—For the purposes of this Act there shall be four kinds of courts-martial, that is to say,—

(*a*) general courts-martial;

(*b*) district courts-martial;

(*c*) summary general courts-martial; and

(*d*) summary courts-martial.

109. *Power to convene a general court-martial.*—A general court-martial may be convened by the Central Government or the Commander-in-Chief or by any officer empowered in this behalf by warrant of the Commander-in-Chief.

110. *Power to convene a district court-martial.*—A district court-martial may be convened by an officer having power to convene a general court-martial or by any officer empowered in this behalf by warrant of any such officer.

111. *Contents of warrants issued under sections 109 and 110.*—A warrant issued under section 109 or section 110 may contain such restrictions, reservations or conditions as the officer issuing it may think fit.

112. *Power to convene a summary general court-martial.*—The following authorities shall have power to convene a summary general court-martial, namely,—

(*a*) an officer empowered in this behalf by an order of the Central Government or of the Commander-in-Chief;

(*b*) on active service, the officer commanding the forces in the field, or any officer empowered by him in this behalf;

(*c*) an officer commanding any detached portion of the regular Army on active service when, in his opinion, it is not practicable, with due regard to discipline and the exigencies of the service, that an offence should be tried by a general court-martial.

113. *Composition of general court-martial.*—A general court-martial shall consist of not less than five officers, each of whom has held a commission for not less than three whole years and of whom not less than four are of a rank not below that of captain.

114. *Composition of district court-martial.*—A district court-martial shall consist of not less than three officers, each of whom has held a commission for not less than two whole years.

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115. *Composition of summary general court-martial.*—A summary general court-martial shall consist of not less than three officers.

116. *Summary court-martial.*—(*1*) A summary court-martial may be held by the commanding officer of any corps, department or detachment of the regular Army, and he shall alone constitute the court.

(*2*) The proceedings shall be attended throughout by two other persons who shall be officers or junior commissioned officers or one of either, and who shall not as such, be sworn or affirmed.

117. *Dissolution of courts-martial.*—(*1*) If a court-martial after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

(*2*) If, on account of the illness of the judge advocate or of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(*3*) The officer who convened a court-martial may dissolve such court-martial if it appears to him that military exigencies or the necessities of discipline render it impossible or inexpedient to continue the said court-martial.

(*4*) Where a court-martial is dissolved under this section, the accused may be tried again.

118. *Powers of general and summary general courts-martial.* A general or summary general court-material shall have power to try any person subject to this Act for any offence punishable therein and to pass any sentence authorised thereby.

119. *Powers of district courts-martial.*—A district court-martial shall have power to try any person subject to this Act other than an officer or a junior commissioned officer for any offence made punishable therein, and to pass any sentence authorised by this Act other than a sentence of death, transportation, or imprisonment for a term exceeding two years:

Provided that a district court-martial shall not sentence a warrant officer to imprisonment.

120. *Powers of summary courts-martial.*—(*1*) Subject to the provisions of sub-section (*2*), a summary court-martial may try any offence punishable under this Act.

(*2*) When there is no grave reason for immediate action and reference can without detriment to discipline be made to the officer empowered to convene a district court-martial or on active service, a summary general court-martial for the trial of the alleged offender, an officer holding a summary court-martial shall not try without such reference any offence punishable under any of the sections 34, 37 and 69, or any offence against the officer holding the court.

(*3*) A summary court-martial may try any person subject to this Act and under the command of the officer holding the court, except an officer, junior commissioned officer or warrant officer.

(*4*) A summary court-martial may pass any sentence which may be passed under this Act, except a sentence of death or transportation, or of imprisonment for a term exceeding the limit specified in sub-section (*5*).

(*5*) The limit referred to in sub-section (*4*) shall be one year if the officer holding the summary court-martial is of the rank of lieutenant-colonel and upwards, and three months if such officer is below that rank.

121. *Prohibition of second trial.*—When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been dealt with under any of the sections 80, 83, 84 and 85, he shall not be liable to be tried again for the same offence by a court-martial or dealt with under the said sections.

122. *Period of limitation for trial.*—(*1*) Except as provided by sub-section (*2*), no trial by court-martial of any person subject to this Act for any offence shall be commenced after the expiration of a period of three years from the date of such offence.

(*2*) The provisions of sub-section (*1*) shall not apply to a trial for an offence of desertion or fraudulent enrolment or for any of the offences mentioned in section 37.

(*3*) In the computation of the period of time mentioned in sub-section (*1*), any time spent by such person as a prisoner of war, or in enemy territory, or in evading arrest after the commission of the offence, shall be excluded.

(*4*) No trial for an offence of desertion other than desertion on active service or of fraudulent enrolment shall be commenced if the person in question, not being on officer, has subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of the regular Army.

123. *Liability of offender who ceases to be subject to Act.*—(*1*) Where an offence under this Act had been committed by any person while subject to this Act, and he has ceased to be so subject, he may be taken into and kept in military custody, and tried and punished for such offence as if he continued to be so subject.

(*2*) No such person shall be tried for an offence, unless his trial commences within six months after he had ceased to be subject to this Act:

Provided that nothing contained in this sub-section shall apply to the trial of any such person for an offence of desertion or fraudulent enrolment or for any of the offences mentioned in section 37 or shall affect the jurisdiction of a criminal court to try any offence triable by such court as well as by a court-martial.

(*3*) When a person subject to this Act is sentenced by a court-martial to transportation or imprisonment, this Act shall apply to him during the term of his sentence, though he is cashiered or dismissed from the reguler Army, or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

(*4*) When a person subject to this Act is sentenced by a court-martial to death, this Act shall apply to him till the sentence is carried out.

124. *Place of trial.*—Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever.

125. *Choice between criminal court and court-martial.*—When a criminal court and a court-martial have each jurisdiction in respect of an offence, it shall be in the discretion of the officer commanding the army, army corps, division or independent brigade in which the accused person is serving or such other officer as may be prescribed to decide before which court the proceedings shall be instituted, and, if that officer decides that they should be instituted before a court-martial, to direct that the accused person shall be detained in military custody.

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126. *Power of criminal court to require delivery of offender.*—(*1*) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, required the officer referred to in section 125 at his option, either to deliver over the offender to the nearest magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Central Government.

(*2*) In every such case the said officer shall either deliver over the offender in compliance with the requisition, or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Central Government, whose order upon such reference shall be final.

127. *Successive trials by a criminal court and court-martial.*—(*1*) A person convicted or acquitted by a court-martial may, with the previous sanction of the Central Government, be tried again by a criminal court for the same offence, or on the same facts.

(*2*) If a person sentenced by a court-martial under this Act or punished under any of the sections 80, 83, 84 or 85 is afterwards tried and convicted by a criminal court for the same offence, or on the same facts, that court shall, in awarding punishment, have regard to the punishment he may already have undergone for the said offence.

CHAPTER XI

Procedure of Courts-martial

128. *Presiding officer.*—At every general, district or summary general court-martial the senior member shall be the presiding officer.

129. *Judge Advocate.*—Every general court-martial shall, and every district or summary general court-martial may, be attended by a judge advocate, who shall be either an officer belonging to the department of the Judge Advocate-General, or if no such officer is available, an officer approved of by the Judge Advocate-General or any of his deputies.

130. *Challenges.*—(*1*) At all trials by general, district or summary general court-martial, as soon as the court is assembled, the names of the presiding officer and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(*2*) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer decided on the objection.

(*3*) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(*4*) When no challenge is made, or when challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

131. *Oaths of member, judge advocate and witness.*—(*1*) An oath or affirmation in the prescribed manner shall be administered to every member of

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every court-martial and to the judge advocate before the commencement of the trial.

(2) Every person giving evidence before a court-martial shall be examined after being duly sworn or affirmed in the prescribed form.

(3) The provision of sub-section (2) shall not apply where the witness is a child under twelve years of age and the court-martial is of opinion that though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation.

132. *Voting by members.*—(1) Subject to the provisions of sub-section (2) and (3), every decision of a court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes on either the finding or the sentence, the decision shall be in favour of the accused.

(2) No sentence of death shall be passed by a general court-martial without the concurrence of at least two-thirds of the members of the court.

(3) No sentence of death shall be passed by a summary general court-martial without the concurrence of all the members.

(4) In matters, other than a challenge or the finding or sentence, the presiding officer shall have a casting vote.

133. *General rule as to evidence.*—The Indian Evidence Act, 1872 (I of 1872), shall, subject to the provisions of this Act, apply to all proceedings before a court-martial.

134. *Judicial notice.*—A court-martial may take judicial notice of any matter within the general military knowledge of the members.

135. *Summoning witnesses.*—(1) The convening officer, the presiding officer of a court-martial, the judge advocate or the commanding officer of the accused person may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness amenable to military authority, the summons shall be sent to his commanding officer, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the magistrate within whose jurisdiction he may be or reside, and such magistrate shall give effect to the summons as if the witness were required in the court of such magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with reasonable precision.

136. *Documents exempted from production.*—(1) Nothing in section 135 shall be deemed to affect the operation of sections 123 and 124 of the Indian Evidence Act, 1872 (I of 1872), or to apply to any letter, postcard, telegram or other document in the custody of the postal or telegraph authorities.

(2) If any document in such custody is, in the opinion of any district magistrate, chief presidency magistrate, High Court or Court of Session, wanted for the purpose of any court-martial, such magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such magistrate or Court may direct.

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(3) If any such document is, in the opinion of any other magistrate or of any commissioner of police or district superintendent of police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause search to be made for and to detain such document pending the orders of any such district magistrate, chief presidency magistrate or High Court or Court of Session.

137. *Commissions for examination of witnesses.*—(1) Whenever, in the course of a trial by court-martial, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Judge Advocate-General in order that a commission to take the evidence of such witness may be issued.

(2) The Judge Advocate-General may then, if he thinks necessary, issue a commission to any district magistrate or magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(3) The magistrate or officer to whom the commission is issued, or, if he is the district magistrate, he or such magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under the Code of Criminal Procedure, 1898 (Act V of 1898), or any corresponding law in force in a Part B State.

(4) When the witness resides in a tribal area or in any place outside India, the commission may be issued in the manner specified in Chapter XL of the Code of Criminal Procedure, 1898 (Act V of 1898), or of any corresponding law in force in a Part B State.

(5) In this and the next succeeding section, the expression "Judge Advocate General" includes a Deputy Judge Advocate-General.

138. *Examination of a witness on commission.*—(1) The prosecutor and the accused person in any case in which a commission is issued under section 137 may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the magistrate or officer executing the commission shall examine the witness upon such interrogatories.

(2) The prosecutor and the accused person may appear before such magistrate or officer by counsel or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine, as the case may be, the said witness.

(3) after a commission issued under section 137 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Judge Advocate-General.

(4) On receipt of a commission and deposition returned under sub-section (3), the Judge Advocate-General shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

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(5) In every case in which a commission is issued under section 137, the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

139. *Conviction of offence not charged.*—(1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged before a court-martial with attempting to desert may be found guilty of being absent without leave.

(3) A person charged before a court-martial with using criminal force may be found guilty of assault.

(4) A person charged before a court-martial with using threatening language may be found guilty of using insubordinate language.

(5) A person charged before a court-martial with any one of the offences specified in clauses (a), (b), (c) and (d) of section 52 may be found guilty of any other of these offences with which he might have been charged.

(6) A person charged before a court-martial with an offence punishable under section 69 may be found guilty of any other offence of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), were applicable.

(7) A person charged before a court-martial with any offence under this Act, may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

(8) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted or abetted the commission of that offence, although the attempt or abetment is not separately charged.

140. *Presumption as to signatures.*—In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the service of the Government shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

141. *Enrolment paper.*—(1) Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given.

(2) The enrolment of such person may be proved by the production of the original or a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

142. *Presumption as to certain documents.*—(1) A letter, return or other document respecting the service of any person in, or the cashiering, dismissal or discharge of any person from, any portion of the regular Army, or respecting the circumstance of any person not having served in, or belonged to, any portion of the Forces, if purporting to be signed by or on behalf of the Central Government or the Commander-in-Chief, or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

(2) An Army, Navy or Air Force List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers,

junior commissioned officers or warrant officers therein mentioned, and of any appointment held by them and of the corps, battalion or arm or branch of the services to which they belong.

(*3*) Where a record is made in any regimental book in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of military duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(*4*) a copy of any record in any regimental book purporting to be certified to be a true copy by the officer having custody of such book shall be evidence of such record.

(*5*) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below portion of the regular Army, or has been apprehended by such officer or person, a certificate purporting to be signed by such officer, or by the commanding officer of that portion of the regular Army, or by the commanding officer of the corps, department or detachment to which such person belongs, as the case may be, and stating the fact, date and place of such surrender or apprehension, and the manner in which he was dressed, shall be evidence of the matters so stated.

(*6*) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating the fact, date and place of such surrender or apprehension and the manner in which he was dressed shall be evidence of the matters so stated.

(*7*) Any document purporting to be a report under the hand of any Chemical Examiner. or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report may be used as evidence in any proceeding under this Act.

143. *Reference by accused to Government officer.*—(*1*) If at any trial for desertion or absence without leave, overstaying leave or not rejoining when warned for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the service of the Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court shall address such officer and adjourn the proceedings until his reply is received.

(*2*) The written reply of any officer so referred to shall, if signed by him be received in evidence and have the same effect as if made on oath before the court.

(*3*) If the court is dissolved before the receipt of such reply, or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial.

144. *Evidence of previous convictions and general character.*—(*1*) When any person subject to this Act has been convicted by a court-martial of any offence, such court-martial may inquire into, and receive and record evidence of any previous convictions of such person, either by a court-martial or by a

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criminal court, or any previous award of punishment under any of the sections 80, 83, 84 and 85, and may further inquire into and record the general character of such person and such other matters as may be prescribed.

(2) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, court-martial books or other official records; and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

(3) At a summary court-martial the officer holding the trial may, if he thinks fit, record any previous convictions against the offender, his general character, and such other matters as may be prescribed, as of his own knowledge, instead of requiring them to be proved under the foregoing provisions of this section.

145. *Lunacy of accused.*—(1) Whenever, in the course of a trial by a court-martial, it appears to the court that the person charged is by reason of unsoundness of mind incapable of making his defence, or that he, committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong or contrary to law, the court shall record a finding accordingly.

(2) The presiding officer of the court, or, in the case of a summary court-martial, the officer holding the trial, shall forthwith report the case to the confirming officer, or to the authority empowered to deal with its finding under section 162, as the case may be.

(3) The confirming officer to whom the case is reported under sub-section (2) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was charged.

(4) The authority to whom the finding of a summary court-martial is reported under sub-section (2), and a confirming officer confirming a finding in any case so reported to him shall order the accused person to be kept in custody in the prescribed manner and shall report the case for the orders of the Central Government.

(5) On receipt of a report under sub-section (4) the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

146. *Subsequent fitness of lunatic accused for trial.*—Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under section 145, the officer commanding the army, army corps, division or brigade within the area of whose command the accused is in custody or is detained, or any other officer prescribed in this behalf, may—

(a) if such person is in custody under sub-section (4) of section 145, on the report of a medical officer that he is capable of making his defence, or

(b) if such person is detained in a jail under sub-section (5) of section 145, on a certificate of the Inspector-General of Prisons, and if such person is detained in a lunatic asylum under the said sub-section on a

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certificate of any two or more of the visitors of such asylum that he is capable of making his defence,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, if the offence is a civil offence, by a criminal court.

147. *Transmission to Central Government of orders under section 146.*—A copy of every order made by an officer under section 146 for the trial of the accused shall forthwith be sent to the Central Government.

148. *Release of lunatic accused.*—Where any person is in custody under sub-section (*4*) of section 145 or under detention under sub-section (*5*) of that section—

(*a*) if such person is in custody under the said sub-section (*4*), on the report of a medical officer, or

(*b*) if such person is detained under the said sub-section (*5*), on a certificate from any of the authorities mentioned in clause (*b*) of section 146 that, in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person,

the Central Government may order that such person be released or detained in custody, or transferred to a public lunatic asylum if he has not already been sent to such an asylum.

149. *Delivery of lunatic accused to relatives.*—Where any relative or friend of any person who is in custody under sub-section (*4*) of section 145 or under detention under sub-section (*5*) of that section desires that he should be delivered to his care and custody, the Central Government may upon application by such relative or friend and on his giving security to the satisfaction of that Government that the person delivered shall be properly taken care of and prevented from doing injury to himself or any other person, and be produced for the inspection of such officer, and at such times and places, as the Central Government may direct, order such person to be delivered to such relative or friend.

150. *Order for custody and disposal of property pending trial.*—When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a court-martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial; and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

151. *Order for disposal of property regarding which offence is committed.*—(*1*) After the conclusion of a trial before any court-martial, the court or the officer confirming the finding or sentence of such court-martial, or any authority superior to such officer, or, in the case of a court-martial whose finding or sentence does not require confirmation, the officer commanding the army, army corps, division or brigade within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

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(2) Where any order has been made under sub-section (1) in reespect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a magistrate within whose jurisdiction such property for the time being is situated, and such magistrate shall thereupon cause the order to be carried into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or any corresponding law in force in a Part B State.

(3) In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

152. *Powers of court-martial in relation to proceedings under this Act.*—Any trial by a court-martial under the provisions of this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860), and the court-martial shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

CHAPTER XII

Confirmation and Revision

153. *Finding and sentence not valid, unless confirmed.*—No finding or sentence of a general, district or summary general, court-martial shall be valid except so far as it may be confirmed as provided by this Act.

154. *Power to confirm finding and sentence of general court-martial.*—The findings and sentences of general courts-martial may be confirmed by the Central Government, or by ay officer empowered in this behalf by warrant of the Central Government.

155. *Power to confirm finding and sentence of district court-martial.*—The findings and sentences of general courts-martial may be confirmed by the officer having power to convene a general court-martial or by any officer empowered in this behalf by warrant of such officer.

156. *Limitation of powers of confirming authority.*—A warrant issued under section 154 or section 155 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

157. *Power to confirm finding and sentence of summary general court-martial.*—The findings and sentences of summary general courts-martial may be confirmed by the convening officer or if he so directs, by an authority superior to him.

158. *Power of confirming authority to mitigate, remit or commute sentences.*—(1) Subject to such restrictions, reservations or conditions as may b contained in any warrant issued under section 154 or section 155 and to t provision of sub-section (2), a confirming authority may, when confirming t sentence of a court-martial, mitigate or remit the punishment thereby award or commute that punishment for any punishment or punishments lower in scale laid down in section 71.

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(2) A sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court.

159. *Confirming of findings and sentences on board a ship.*—When any person subject to this Act is tried and sentenced by a court-martial while on board a ship, the finding and sentence so far as not confirmed and executed on board the ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

160. *Revision of finding or sentence.*—(1) Any finding or sentence of a court-martial which requires confirmation may be once revised by order of the confirming authority and on such revision, the court, if so directed by the confirming authority, may take additional evidence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a general court-martial, it still consists of five officers, or, if a summary general or district court-martial, of three officers.

161. *Finding and sentence of a summary court-martial.*—(1) Save as otherwise provided in sub-section (2), the finding and sentence of a summary court-martial shall not require to be confirmed, but may be carried out forthwith.

(2) If the officer holding the trial is of less than five years service, he shall not, except on active service, carry into effect any sentence until it has received the approval of an officer commanding not less than a brigade.

162. *Transmission of proceedings of summary courts-martial.*—(1) The proceedings of every summary court-martial shall without delay be forwarded to the officer commanding the division or brigade within which the trial was held, or to the prescribed officer; and such officer, or the Commander-in-Chief, or any officer empowered in this behalf by the Commander-in-Chief, may, for reasons based on the merits of the case, but not any merely technical grounds, set aside the proceedings or reduce the sentence to any other sentence which the court might have passed.

163. *Alteration of finding or sentence in certain cases.*—(1) Where a finding of guilty by a court-martial, which has been confirmed, or which does not require confirmation, is found for any reason to be invalid or cannot be suported by the evidence, the authority which would have had power under section 179 to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding and pass a sentence for the offence specified or involved in such finding:

Provided that no such substitution shall be made unless such finding could have been validly made by the court-martial on the charge and unless it appears that the court-martial must have been satisfied of the facts establishing the said offence.

(2) Where a sentence passed by a court-martial which has been confirmed, or which does not require confirmation, not being a sentence passed in pursuance of a new finding substituted under sub-section (1), is found for any reason to be invalid the authority referred to in sub-section (1) may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) or sub-section (2) shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by, the sentence for which a new sentence is substituted under this section.

(4) Any finding substituted, or any sentence passed, under this section shall, for the purposes of this Act and the rules made thereunder, have effect as if it were a finding or sentence, as the case may be, of a court-martial.

164. *Remedy against order, finding or sentence of court-martial.*—(1) Any person subject to this Act who considers himself aggrieved by any order passed by any court-martial may present a petition to the officer or authority empowered to confirm any finding or sentence of such court-martial, and the confirming authority may take such steps as may be considered necessary to satisfy itself as to the correctness, legality or propriety of the order passed or as to the regularity of any proceeding to which the order relates.

(2) Any person subject to this Act who considers himself aggrieved by a finding or sentence of any court-martial which has been confirmed may present a petition to the Central Government, the Commander-in-Chief or any prescribed officer superior in command to the one who confirmed such finding or sentence and the Central Government, the Commander-in-Chief or other officer, as the case may be, may pass such order thereon as it or he thinks fit.

165. *Annulment of proceedings.*—The Central Government, the Commander-in-Chief or any prescribed officer may annual the proceedings of any court-martial on the ground that they are illegal or unjust.

CHAPTER XIII

Execution of Sentences

166. *Form of sentence of death.*—In awarding a sentence of death a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

167. *Commencement of sentence of transportation or imprisonment.*—Whenever any person is sentenced by a court-martial under this Act to transportation or imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the presiding officer or, in the case of a summary court-martial, by the court.

168. *Execution of sentence of transportation.*—Whenever any sentence of transportation is passed under this Act or whenever any sentence of death is commuted to transportation, the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

169. *Execution of sentence of imprisonment.*—(1) Whenever any sentence of imprisonment is passed under this Act by a court-martial or whenever any sentence of death or transportation is commuted to imprisonment, the confirming officer or in case of a summary court-martial the officer holding the court

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or such other officer as may be prescribed, shall, save as otherwise provided in sub-sections (*3*) and (*4*), direct either that the sentence shall be carried out by confinement in a military prison or that it shall be carried out by confinement in a civil prison.

(*2*) When a direction has been made under sub-section (*1*) the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

(*3*) In the case of a sentence of imprisonment for a period not exceeding three months and passed under this Act by a court-material, the apporpriate officer under sub-section (*1*) may direct that the sentence shall be carried out by confinement in military custody instead of in a civil or military prison.

(*4*) On active service, a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may from time to time appoint.

170. *Temporary custody of offender.*—Where a sentence of transportation or imprisonment is directed to be undergone in a civil prison the offender may be kept in a military prison or in military custody or in any other fit place, till such time as it is possible to send him to a civil prison.

171. *Execution of sentence of imprisonment in special cases.*—Whenever, in the opinion of an officer commanding an army, army corps, division or independent brigade, any sentence or portion of a sentence of imprisonment cannot for special reasons, conveniently be carried out in a military prison or in military custody in accordance with the provisions of section 169 such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

172. *Conveyance of prisoner from place to place.*—A person under sentence of transportation or imprisonment may during his conveyance from place to place, or when on board ship, aircraft, or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

173. *Communication of certain orders to prison officers.*—Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil or military prison, a warrant in accordance with such order shall be forwarded by the officer making the order or his staff officer or such other person as may be prescribed to the officer in charge of the prison in which such person is confined.

174. *Execution of sentence of fine.*—When a sentence of fine is imposed by a court-martial under section 69 whether the trial was held within India or not, a copy of such sentence, signed and certified by the confirming officer, or where no confirmation is required, by the officer holding the trial may be sent to any magistrate in India, and such magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or any corresponding law in force in a Part B State for the levy of fines as if it were a sentence of fine imposed by such magistrate.

175. *Establishment and regulation of military prisons.*—The Central Government may set apart any building or part of a building, or any place under

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its control, as a military prison for the confinement of persons sentenced to imprisonment under this Act.

176. *Informality or error in the order or warrant.*—Whenever any person is sentenced to trasportation or imprisonment under this Act, and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursuance of this Act, the confinement of such person shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into or is confined in any such place, and any such order, warrant or document may be amended accordingly.

177. *Power to make rules in respect of prisons and prisoners.*—The Central Government may make rules providing—

(*a*) for the government, management and regulation of military prisons;

(*b*) for the appointment, removal and powers of inspectors, visitors, governors and officers thereof;

(*c*) for the labour of prisoners undergoing confinement therein, and for enabling persons to earn, by special industry and good conduct, a remission of a portion of their sentence;

(*d*) for the safe custody of prisoners and the maintenance of discipline among them and the punishment, by personal correction, restraint or otherwise, of offences committed by prisoners;

(*e*) for the application to military prisons of any of the provisions of the Prisons Act, 1894 (IX of 1894), relating to the duties of officers of prisons and the punishment of persons not being prisoners;

(*f*) for the admission into any prison, at proper times and subject to proper restrictions, of persons with whom prisoners may desire to communicate, and for the consultation by prisoners under trial with their legal advisers without the presence as far as possible of any third party within hearing distance.

178. *Restriction of rule-making power in regard to corporal punishment.*—Rules made under section 177 shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment more severe than it is under the law for the time being in force relating to civil prisons.

CHAPTER XIV

Pardons, Remissions and Suspensions

179. *Pardon and remission.*—When any person subject to this Act has been convicted by a court-martial of any offence, the Central Government or the Commander-in-Chief or, in the case of a sentence, which he could have confirmed or which did not require confirmation, the officer commanding the army, army corps, division or independent brigade in which such person at the time of conviction was serving, or the prescribed officer may—

(*a*) either with or without conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or

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(*b*) mitigate the punishment awarded; or

(*c*) commute such punishment for any less punishment or punishments mentioned in this Act:

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court; or

(*d*) either with or without conditions which the person sentenced accepts, release the person on parole.

180. *Cancellation of conditional pardon, release on parole or remission.*—(*1*) If any condition on which a person has been pardoned or released on parole or a punishment has been remitted is, in the opinion of the authority which granted the pardon, release or remission, not fulfilled, such authority may cancel the pardon, release or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon, release or remission had not been granted.

(*2*) A person whose sentence of transportation or imprisonment is carried into effect under the provisions of sub-section (*1*) shall undergo only the unexpired portion of his sentence.

181. *Reduction of warrant officer or non-commissioned officer.*—When under the provisions of section 77 a warrant officer or a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purpose of section 179, be treated as a punishment awarded by a sentence of a court-martial.

182. *Suspension of sentence of transportation or imprisonment.*—(*1*) Where a person subject to this Act is sentenced by a court-martial to transportation or imprisonment, the Central Government, the Commander-in-Chief or any officer empowered to convene a general or a summary general court-martial may suspend the sentence whether or not the offender has already been committed to prison or to military custody.

(*2*) The authority or officer specified in sub-section (*1*) may in the case of an offender so sentenced direct that, until the orders of such authority or officer have been obtained the offender shall not be committed to prison or to military custody.

(*3*) The powers conferred by sub-sections (*1*) and (*2*) may be exercised in the case of any such sentence which has been confirmed, reduced or commuted.

183. *Orders pending suspension.*—(*1*) Where the sentence referred to in section 182 is imposed by a court-martial other than a summary court-martial, the confirming officer may, when confirming the sentence, direct that the offender be not committed to prison or to military custody until the orders of the authority or officer specified in section 182 have been obtained.

(*2*) Where a sentence of imprisonment is imposed by a summary court-martial, the officer holding the trial or the officer authorised to approve of the sentence under sub-section (*2*) of section 161 may make the direction referred to in sub-section (*1*).

184. *Release on suspension.*—Where a sentence is suspended under section 182, the offender shall forthwith be released from custody.

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185. *Computation of period of suspension.*—Any period during which the sentence is under supension shall be reckoned as part of the term of such sentence.

186. *Order after suspension.*—The authority or officer specified in section 182 may, at any time while a sentence is suspended, order—

(*a*) that the offender be committed to undergo the unexpired portion of the sentence, or

(*b*) that the sentence be remitted.

187. *Reconsideration of case after suspension.*—(*1*) Where a sentence has been suspended, the case may at any time, and shall at intervals of not more than four months, be reconsidered by the authority or officer specified in section 182, or by any general or other officer not below the rank of field officer duly authorised by the authority or officer specified in section 182.

(*2*) Where on such reconsideration by the officer so authorised it appears to him that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall refer the matter to the authority or officer specified in section 182.

188. *Fresh sentence after suspension.*—Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then—

(*a*) if the further sentence is also suspended under this Act, the two sentences shall run concurrently;

(*b*) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed to prison or military custody for the unexpired portion of the previous sentence but both sentences shall run concurrently; and

(*c*) if the further sentence is for a period of less than three months and is not suspended under this Act, the offender shall be so committed on that sentence only, and the previous sentence shall, subject to any order which may be passed under section 186 or section 187, continue to be suspended.

189. *Scope of power of suspension.*—The powers conferred by sections 182 and 186 shall be in addition to and not in derogation of the power of mitigation, remission and commutation.

190. *Effect of suspension and remission on dismissal.*—(*1*) Where in addition to any other sentence the punishment of dismissal has been awarded by a court-martial, and such other sentence is suspended under section 182, then, such dismissal shall not take effect until so ordered by the authority or officer specified in section 182.

(*2*) If such other sentence is remitted under section 186, the punishment of dismissal shall also be remitted.

CHAPTER XV

RULES

191. *Power to meke rules.*—(*1*) The Central Government may make rules for the pupose of carrying into effect the provisions of this Act.

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(2) Without prejudice to the genrality of the power conferred by sub-section (1), the rules made thereunder may provide for—

(a) the removal, retirement, release or discharge from the service of persons subject to this Act;

(b) the amount and incidence of fines to be imposed under section 89;

(c) the specification of the punishments which may be awarded as field punishments under sections 75 and 80;

(d) the assembly and procedure of courts of inquiry, the recording of summaries of evidence and the administration of oaths or affirmations by such courts;

(e) the convening and constituting of courts-martial and the appointment of prosecutors at trials by courts-martial;

(f) the adjournment, dissolution and sitting of courts-martial;

(g) the procedure to be observed in trials by courts-martial and the appearance of legal practitioners thereat;

(h) the confirmation, revision and annulment of, and petitions against, the findings and sentences of courts-martial;

(i) the carrying into effect of sentences of courts-martial;

(j) the forms of orders to be made under the provisions of this Act relating to courts-martial, transportation and imprisonment;

(k) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 99, and the due carrying out of such decisions;

(l) the relative rank of the officers, junior commissioned officers, warrant officers, petty officers and non-commissioned officers of the regular Army, Navy and Air Force when acting together;

(m) any other matter directed by this Act to be prescribed.

192. *Power to make regulations.*—The Central Government may make regulations for all or any of the purposes of this Act other than those specified in section 191.

193. *Publication of rules and regulations in Gazette.*—All rules and regulations made under this Act shall be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Act.

194. *Repeals.*—The Acts and Ordinances mentioned in the Schedule are hereby repealed.

CHAPTER XVI

Transitory Provisions

195. *Definition of "British officer".*—(1) In this Chapter "British officer" means a person of non-Indian domicile holding a commission in His Majesty's Land Forces or in the Royal Marines or in the Territorial Army and serving in the regular Army.

(2) The expression "superior officer" in this Act shall be deemed to include a British officer.

196. *Powers of British officer.*—A British officer shall have all the powers conferred by this Act on an officer of corresponding rank or holding a corresponding appointment,

THE SCHEDULE

(*See* section 194.) 689

Year	No.	Short title	Extent of repeal
1911	VIII	The Indian Army Act, 1911.	The whole, except Chapter XII.
1920	XX	The Indian Army (Suspension of Sentences) Act, 1920.	The whole.
1941	X	The Active Service Ordinance, 1941.	The whole.
1943	XXXVI	The Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943.	The whole.
1946	XIV	The Active Service (Amendment) Ordinance, 1946.	The whole.

K. V. K. SUNDARAM, *Secy.*

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PART IV

Section I-C

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NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 964—Legis. 2-50-24, dated Bangalore, 6th July 1950.

Ordered that the accompanying Salaries of Ministers (Amendment) Ordinance, 1950 (Ordinance No. XX of 1950) published in the *Gazette of India*, dated the 29th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

THE SALARIES OF MINISTERS (AMENDMENT)

ORDINANCE, 1950.

ORDINANCE NO. XX OF 1950.

An Ordinance to amend the Salaries of Ministers Act, 1947.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (*1*) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(*1*) This Ordinance may be called the Salaries of Ministers (Amendment) Ordinance, 1950.

(*2*) It shall be deemed to have come into force on the 5th day of May, 1950.

2. *Amendment of long title and preamble, Act LIII of 1947.*—In the long title of, and the preamble to, the Salaries of Ministers Act, 1947 (hereinafter referred to as the said Act), for the word "Ministers" the words "Ministers and Deputy Ministers" shall be substituted.

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3. *Amendment of Section 1, Act LIII of 1947.*—In sub-section (*1*) of section 1 of the said Act, for the word "Ministers" the words "Ministers and Deputy Ministers" shall be substituted.

4. *Amendment of section 2, Act LIII of 1947.*—In section 2 of the said Act, for clause (*a*), the following clauses shall be substituted, namely :—

'(*a*) "Minister" means a member of the Council of Ministers of the Union, whether designated a Cabinet Minister or a Minister of State ;

(*aa*) "Deputy Minister" means a person appointed as such by the Prime Minister ;".

5. *Amendment of section 3, Act LIII of 1947.*—In section 3 of the said Act, for the words "and a sumptuary allowance of five hundred rupees *per mensem*" the words "and to each Deputy Minister a salary of two thousand rupees *per mensem*" shall be substituted.

6. *Amendment of section 4, Act LIII of 1947.*—In sub-section (*1*) of section 4 of the said Act, for the words "Each Minister shall be entitled" the words "Each Cabinet Minister shall be entitled to a sumptuary allowance of five hundred rupees *per mensem* and" shall be substituted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

No. L.D. 965—Legis. 6-50-18, dated Bangalore, 6th July 1950.

Ordered that the accompanying Notification No. S. R. O. 142, dated 3rd June, 1950 of the Ministry of States under the Central Reserve Police Force Act, 1949, published in the *Gazette of India*, dated the 17th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF STATES

New Delhi, the 3rd June 1950.

S.R.O. 142.—In exercise of the powers conferred by sub-section (2) of section 16 of the Central Reserve Police Force Act, 1949 (LXVI of 1949), the Central Government is pleased to invest the Commandant and the Assistant Commandants

for the time being with the powers of a Magistrate of the first class and second class respectively, for the purpose of inquiring into or trying any such offence as is mentioned in the said sub-section.

[No. 60-D.]

C. GANESAN, *Dy. Secy.*

NOTIFICATION.

No. L.D. 966—Legis. 6-50-19, dated Bangalore, 6th July 1950.

Ordered that the accompanying Notification No. S. R. O. 143, dated 9th June, 1950 of the Ministry of Finance under the Industrial Finance Corporation Act, 1948, published in the *Gazette of India*, dated the 17th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FINANCE

New Delhi, the 9th June 1950.

S.R.O. 143.—In pursuance of section 15 of the Industrial Finance Corporation Act, 1948 (XV of 1948), the Central Government is pleased to re-nominate Shri Shri Ram as Chairman of the Board of the Industrial Finance Corporation of India for a further period of two years commencing from 1st July, 1950.

[F. 9(18)-F.I/50.]

O. P. GUPTA, *Under Secy.*

NOTIFICATION. 673

No. L.D. 967—Legis. 6-50-20, dated Bangalore, 6th July 1950.

Ordered that the accompanying Notification No. S.R.O. 154, dated 9th June, 1950 of the Ministry of Rehabilitation amending the Displaced Persons (Registration of Claims) Rules, 1950, published in the *Gazette of India*, dated the 17th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION

New Delhi, the 9th June, 1950.

S.R.O. 154.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to direct that the following amendment shall be made in the Displaced Persons (Registration of Claims) Rules, 1950, namely :—

In sub-rule (1) of rule 3 of the said rules for the words "the date of" the words "a date specified in" shall be substituted.

[1 (6) JCCC/50.]

S. B. CAPOOR, *Joint Secy.*

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. R. 4139 –R.M. 32-50-2, dated Bangalore, the 5th July 1950.

In exercise of the powers conferred by Rule 80-B, of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (Mysore Act XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in Notification No. R. 6751—R.M. 91-43, dated 24th May 1944, namely,

In the said notification :—

1. The words "cotton or" occurring in para 1 shall be omitted.
2. For the word "Crops" wherever they occur the word "Crop" shall be substituted.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

No. C. 444—C o. 17-50-2, dated Bangalore, 5th July 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947) His Highness the Maharaja is pleased to cancel *with immediate effect* the following Orders, namely :—

(i) The Paper Control (Economy) Order 1946 published with the notification No. C. 1452—Co. 63-45-2, dated the 7th March 1946.

(ii) The Paper Control (Distribution) Order 1944 published with the notification No. C. 101—Co. 83-44-1, dated 23rd August 1944.

(iii) The Paper Price Control Order 1946 published with the notification No. C. 1051—Co. 53-45-2, dated the 23rd January 1946.

By Order of His Highness the Maharaja,

No. A.F. 3226—Agri. 102-50-2, dated Bangalore, 8th July 1950.

In exercise of the powers conferred by section 3 of the Mysore Cotton Control Act, 1942 (Mysore Act No. XII of 1942) and in supersession of Notifications No. A.F. 1287—Agri. 206-41-3, dated the 20th August 1942, and No. A.F. 78—Agri. 236-46-2, dated the 3rd July 1947, His Highness the Maharaja of Mysore is pleased to prohibit, for a period of five years from the date of this notification,—

(i) the cultivation of short staple cotton (*i.e.*, cotton of less than 5/8″ staple length) in the areas specified in the schedule to this notification;

(ii) the import of such short staple cotton in quantities of more than 10 lbs. into the said areas except under a licence;

(iii) the construction of ginning and pressing factories in the said areas or within ten miles from the utmost limit of the said areas except under a licence.

SCHEDULE.

1. The Sannahathi Cotton Area comprising the whole of Chitaldrug District except Molakalmuru and Jagalur Taluks of that District.

2. The Banavar Cotton Area comprising the Taluks of Arsikere, Kadur and Belur.

3. The Mandya Cotton Area comprising the whole of Mandya District.

4. The Mysore Cotton Area comprising the whole of Mysore District.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agriculture Departments.

No. FL. 2979—S.T. 1-48-54, dated Bangalore, 4th July 1950.

In exercise of the powers conferred by the proviso to sub-section (4) of section 3 of the Mysore Sales Tax Act, 1948, (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the rules for the computation of turnover, contained in the schedule to the said Act, the draft amendments having been published in the *Mysore Gazette*, dated 18th August 1949.

Amendments.

1. For rule 1 of the Rules for the computation of turnover, the following rule shall be substituted namely :

"1. (1) Save as provided in sub-rule (2) the gross turnover of a dealer shall be the amount for which goods are sold by him.

(2) (i) In the case of the undermentioned goods, the gross turnover of a dealer shall be the amount for which the goods are bought by him :—

(*a*) untanned hides and skins bought by a licensed tanner in Mysore, and

(*b*) untanned hides and skins exported outside Mysore by a licensed dealer in hides or skins.

(ii) In the case of the undermentioned goods, the gross turnover of a dealer shall be the amount for which the goods are bought by him for export outside Mysore, namely :

(*a*) groundnut,

(*b*) areca,

(*c*) copra and coconut,

(*d*) raw coffee,

(*e*) cardamom, and

(*f*) unmanufactured tobacco.

Explanation :—For the purposes of sub-rule (1), the amount for which goods are sold by dealer shall, in relation to a works contract, be deemed to be the amount payable to the dealer for carrying out such contract less a sum not exceeding such percentage of the amount payable as may be fixed by the Government, from time to time for different areas, representing the usual proportion in such areas of

the cost of labour to the cost of materials used in carrying out such contract, subject to the following maximum percentages :

(a)	In the case of an electrical contract	... 20 per cent.
(b)	In the case of a structural contract	... 30 do
(c)	In the case of a sanitary contract	... 33 1/3 do
(d)	In the case of other contracts	... 30 per cent."

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. T. 2797—R.T. 144-49-14, dated Bangalore, 12th July 1950.

In exercise of the powers conferred by Section 39 of the Mysore Motor Vehicles and Road Traffic Act, 1944, (Mysore Act No. XXVII of 1944), it is proposed to fix the maximum fares *to be charged* for the use of Motor Cabs licensed to carry not more than three persons (Auto-rickshaws), plying within the limits of the City of Bangalore Municipal Corporation, as specified below :—

Notice is hereby given for the information of the travelling public and the interests affected that objections if any to the fares proposed may be sent to the Secretary to the Government of Mysore, Local Self-Government Department, on or before the 25th July 1950. Objections received after the said date will not be considered.

Fares.

1.	For the first mile or part thereof.	Not exceeding Four Annas.
2.	For each subsequent quarter of a mile or part thereof.	Not exceeding One Anna.

Whiting Charges.

3.	For every 15 minutes or part thereof.	Not exceeding Three Annas.

Luggage Charges.

4.	For every article up to one maund.	Not exceeding One Anna.

By Order of His Highness the Maharaja,

L. MUNISWAMY,

Secretary to Government,
Local Self-Government Department.

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PART IV

Section I-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION

No. L.D. 810—Legis. 4-50-24, dated Bangalore, 23rd June 1950.

Ordered that the accompanying Notification No. 14 (102) Cus./50, dated 8th March 1950 of the Ministry of Rehabilitation, amending the Administration of Evacuee Property (Central) Rules, 1949, published in the *Gazette of India*, dated the 18th March 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION

NOTIFICATION

New Delhi, the 6th December 1949

No. 14 (102) Cus. /49.—In exercise of the powers conferred by Section 53 of the Administration of Evacuee Property Ordinance, 1949 (No. XXVII of 1949), the Central Government is pleased to make the following Rules, namely :—

1. *Short Title.*—These Rules may be called the Administration of Evacuee Property (Central) Rules, 1949.

2. *Definitions.*—In these Rules :—

(*a*) "The Ordinance" means the Administration of Evacuee Property Ordinance, 1949 (Ordinance No. XXVII of 1949).

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(*b*) "Form" means a form appended to these rules.

(*c*) "Section" and "sub-section" mean, respectively, a Section and a sub-section of the Ordinance.

(*d*) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Ordinance.

3. *Conditions of service of the Custodian General and other officers.*—(1) The Custodian General and all Officers appointed by or under him shall, subject to any special contract to the contrary, be governed by the Central Service Rules applicable to the class of officers to which the Custodian General or such officers belong.

(2) If any question arises as to which class of officers the Custodian General or such officers belong the decision of the Central Government shall be final.

4. The Central Government may appoint as many Deputy and Assistant Custodians General as it may deem necessary to assist the Custodian General in the discharge of his functions. Such Deputy and Assistant Custodians General shall perform such functions as the Custodian General may assign to them.

5. *Manner of enquiry under Section 7.*—(1) After a survey of any property is made and the Custodian is satisfied that his information and the survey *prima facie* disclose that the property or any interest therein is evacuee property, he shall cause a notice to be served, in Form No. I, on the person claiming title to such property or interest and on any other person or persons whom he considers to be interested in the property.

(2) The notice shall, as far as practicable, mention the grounds on which the property is sought to be declared evacuee property and shall specify the provision of the Ordinance under which the person claiming any right to, or interest in, such property is alleged to be an evacuee.

(3) The notice shall be served personally, but if that is not practicable, the service may be effected in any manner provided in Rule 25.

(4) When a notice has been duly served, and the party called upon to show cause why the property should not be declared as evacuee property, fails to appear on the date fixed for hearing, *ex-parte* proceedings shall be taken against him and an order passed on the material before the Custodian.

(5) If such party appears and contests the notice he shall forthwith file a statement properly verified, stating the reasons why he should not be deemed to be an evacuee and why the property or his interest therein should not be declared as evacuee property. Any person or persons claiming to be interested in the enquiry or in the property being declared as evacuee property, may file a written statement in reply. The Custodian shall then, either on the same day or on any subsequent day to which the hearing may be adjourned, proceed to hear the evidence, if any, which the party appearing to show cause may produce and also evidence which the party claiming to be interested as mentioned above may adduce.

(6) After the whole evidence has been duly recorded in a summary way the Custodian shall proceed to pronounce his order. The order shall state the points for determination, and the findings thereon with brief reasons.

6. *Notification of Evacuee property under sub-section (3) of Section 7.*—(1) The Custodian, after holding such enquiry, as he deems fit and on being satisfied that a particular property is evacuee property, shall notify the same in the Official Gazette or in any local newspaper or on the Notice Board kept for that purpose in his office. In the last mentioned case, the Custodian may in addition, affix a copy of the notification on the evacuee property.

(2) The notification shall give full particulars of the property regading the location, Municipal numbers, etc. In case of agricultural land, it shall specify, as far as possible, its khasra number and the village where it is situated. The notification shall be in Form No. 2. Any error or irregularity in the drawing up or the publication of the Notification shall not be deemed to detract from the validity of such a notification or otherwise afford a valid defence to claim of the Custodian to the property as having vested in him.

(3) A list of all such evacuee property brought up-to-date in each Province/State shall be published once a year.

7. *Notice to surrender possession under sub-section (4) of Section 8.*—On the publication of a notification under Rule 6,[1] a notice demanding surrender of possession may be served on the occupant of evacuee property, calling upon him to surrender possession to the Custodian or a person authorised by him in this behalf within the time specified in the notice, provided that in emergent cases, the Custodian may require the occupant to give up possession immediately and the premises may be sealed at once. This notice shall be in Form No. 3 and shall be signed by an officer not below the rank of Assistant Custodian.

8. *Procedure under Section 9.*—(i) Where a notice has been duly served on the occupant of the property under Rule 7 and the possession is not delivered as required, a warrant of eviction in Form No. 4 under the signature of the officer who issued the notice or any other officer not below the rank of a Deputy Custodian may issue. One copy of the warrant shall be forwarded to the Officer-in-charge of the Police Station concerned or such other officer as may be in charge of carrying out evictions, who shall forthwith take steps to effect the eviction with the use of such force as may be necessary.

(ii) Every police officer to whom a warrant of eviction is sent for eviction shall submit a weekly report to the Deputy Superintendent of Police having jurisdiction and a copy thereof to the Custodian, giving details of number of warrants entrusted to, as well as executed by him together with such other particulars as may be necessary.

(iii) A register of warrants shall be maintained by the Custodian and this register shall contain the following particulars :—

(*a*) Name of owner,

(*b*) Description of property,

(*c*) Name of warrantee,

(*d*) Date of issue and service of surrender notice,

(*e*) The final result.

(iv) The Custodian, the Additional Custodian or the Authorised Deputy Custodian of his own motion or on the motion of the party aggrieved, may stay the eviction proceedings pending disposal of the appeal against the order declaring the property to be evacuee property.

9. *Mode of taking possession of immovable property.*—(i) Where any evacuee property, which vests in the Custodian, is in the possession of either the evacuee himself or any other person, whether holding on behalf of or under, the evacuee or otherwise, having no lawful title to the possession of such property enforceable against the Custodian, possession may be taken by evicting the person in possession of such property in accordance with the manner provided in the Ordinance and these Rules.

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1. Modified by Corrigenda, dated 25th March 1950.

(ii) Where such property is, at the time aforesaid, in the possession of one or more tenants or one or more lessees or licensees whom the Custodian cannot eject or, for any reason, does not want to eject, possession may be taken by serving on the tenants or the lessees or the licensees a notice directing them to pay the rent or the lease money or the licence fee, as the case may be, to the Custodian or to any person authorised by him to receive such payment. The notice may be served in any manner provided in Rule 25.

(iii) Where such property is an undivided share in joint property :

(*a*) If under some arrangement *inter se* the co-sharers, the evacuee was in separate possession of any part of the joint property, possession may be taken of such part in accordance with the manner provided in sub-rule (i) or sub-rule (ii), whichever is applicable.

(*b*) In other cases, constructive possession may be taken by affixing a copy of the warrant for possession on a conspicuous part of the property, and if considered necessary by proclamation by beat of drum in the locality in which the property is situated.

10. *Mode of taking possession of tangible movable property.*—Where the property to be taken possession of is tangible movable property, the possession may be taken by actual seizure and after such seizure the Custodian may either keep the property in his own custody or entrust it to a superdar on the latter furnishing security in Form No. 5. Provided that where the property is subject to speedy or natural decay or the expense of keeping it is likely to exceed its value, the Custodian may sell it, forthwith.

11. *Mode of taking possession of other movable property.*—(i) Where property to be taken possession of is a debt or a legacy or interest payable on a debt or a legacy, possession may be taken by serving the party liable with a notice, requiring such party to pay the same to the Custodian or any other person authorised by him to receive the payment.

(ii) Where such property is a share in some joint-stock company, not being a joint-stock company referred to in sub-clause (2) (ii) of clause (f) of Section 2 of the Ordinance, possession may be taken by informing the principal officer of such company that the share has vested in the Custodian.

(iii) Where such property consists of Government or other securities, stock, or debentures, possession may be taken by serving the appropriate authority with notice requiring such authority to make all payments in respect of such securities, stock, or debentures to the Custodian or any other person authorised by him in this behalf.

12. *Preparation of inventory of movable property.*—Where the Custodian takes possession of any movable property including any stock-in-trade or plant or machinery or any undertaking, he shall prepare an inventory of the property in Form No. 6, in triplicate, in the presence of not less than two residents of the locality. The inventory shall be signed by the Custodian and each of the two witnesses. One copy of the inventory shall be made over to the superdar (if any) and two copies shall be sent to the Custodian.

13. *Cancellation or variation of leases and allotments.*—(1) The Custodian shall not ordinarily vary the terms of a lease subsisting at the time he takes possession of immovable property or cancel any such lease or evict a person who is lawfully in occupation of such property under a lease granted by the lessor before he became an evacuee and not in anticipation of becoming an evacuee unless the Custodian is satisfied that the lessee has done or omitted

to do something which renders him liable to eviction under any law for the time being in force.

(2) In case of a lease or allotment granted by the Custodian himself, the Custodian may evict a person on any ground justifying eviction of a tenant under any law relating to the control of rents for the time being in force in the Province or the State concerned, or for any violation of the conditions of the lease or the allotment.

(3) The Custodian may also evict a person who has secured an allotment or a lease by misrepresentation or fraud or is found to be in possession of more than one evacuee property or in occupation of accommodation in excess of his requirements.

(4) Before cancelling, or varying the terms of a lease or before evicting any lessee the Custodian shall serve the person or the persons concerned with a notice to show cause against the order proposed to be made and shall afford him a reasonable opportunity of being heard.

(5) Nothing in this rule shall be deemed to take away or limit the power of the Custodian to cancel, or vary the terms of a lease relating to evacuee property, or to evict a lessee of such property where he is of the opinion that, for reasons to be recorded in writing it is necessary or expedient to do so for the preservation, or the proper administration or the management of such property.

14. *Procedure for restoration of property.*—(1) A person applying for restoration of evacuee property shall mention in the application the names of the persons interested in the property sought to be restored and the facts on which the claim for restoration is based.

(2) The application shall be verified in the same manner as a plaint under the Code of Civil Procedure.

(3) The application shall be accompanied by a certificate from the Central Government as provided in the Proviso to sub-section (1) of Section 16.

(4) A notice of the application shall be given to the party or parties named therein and any other person who may otherwise appear to the Custodian to be interested in the property.

(5) A public notice of the application shall also be issued in a local daily newspaper at the expense of the applicant.

(6) The applicant shall, before any order for restoration is made, produce a "No demand certificate" from the relevant branches of the office of the Custodian.

(7) On the date fixed, the Custodian shall hold an enquiry as nearly as may be in the manner prescribed in Rule 5 into the matters raised in the application for restoration or in any written statement filed by any other party.

15. *Enquiries under Section 19.*—A notice under Section 19 shall briefly specify the grounds on which, and the provision of the Ordinance under which a person is called upon to show cause why he should not be declared an "intending evacuee". Subject to this rule, the same procedure as is laid down in Rule 5 will be followed in an enquiry under the aforesaid section.

16. *Enquiries under Section 22.*—(1) If an intending evacuee contravenes the directions given to him by the Custodian or acts contrary to any of the provisions of Chapter IV of the Ordinance the Custodian shall serve him with

a notice to show cause why his property or properties should not be taken over as evacuee property.

(2) After a notice has been served as provided in Rule 25, if the person fails to appear on the date specified in the notice, the Custodian shall proceed to give his findings *ex-parte*.

(3) If the party appears and puts in objections, his objections shall be decided after giving him a reasonable opportunity of adducing evidence in support of his objections. The custodian may, in his discretion, allow any other party to produce evidence in rebuttal of such evidence and may himself call such evidence as he deems fit.

(4) After hearing all the evidence the Custodian shall proceed to pronounce his order.

17. *Enquiries under Section 23.*—(1) An enquiry under Section 23 may be initiated either on an application made by any person conversant with the facts of the case or on information otherwise received by the Custodian.

(2) Such enquiry shall not be held by an officer below the rank of a Deputy Custodian.

(3) An application for an enquiry under the aforesaid Section shall, as nearly as may be, be in the form of a plaint under the Code of Civil Procedure.

(4) On receipt of an application or information as aforesaid, a notice, accompanied by a copy of the application or a summary of the information as the case may be, shall be served on the intending evacuee concerned to show cause why he should not be required to pay up the deficiency in the value of the property.

(5) The procedure laid down in the Code of Civil Procedure for the trial of civil suits shall, as far as possible, be followed in the proceedings subsequent to the service of the notice here-in-before mentioned.

18. *Procedure for the confirmation of transfers under Section 38.*—(1) An application for confirmation under sub-section (2) of Section 38 shall contain the following particulars, namely :—

(*a*) Boundaries, Municipal number and location of the property and also Khasra number in case of agricultural land.

(*b*) Particulars of transfer sought to be confirmed including the dates of the transfer and registration, if any, the addresses of the parties and the consideration paid or deferred.

(*c*) Particulars of any previous transfers in respect of the property.

(*d*) The name and the address of the person in possession of the property transferred and the capacity in which such person is in possession.

(2) The application shall be verified in the manner prescribed in the Code of Civil Procedure, 1908 for verification of pleadings and shall be accompanied by a copy of the transfer deed in question and also a schedule containing the particulars of any other property owned, possessed or transferred by the transferor after 1st March, 1947.

(3) The application shall be presented by the transferor or the transferee personally or by his duly authorised agent or pleader.

(4) The Custodian shall cause a notice in Form No. 7 to be served on the transferor or transferee, as the case may be, and may further cause a similar

notice to be served on any person whom the Chstodian ronsiders to be interested in or likely to be affected by, the result of the application.

(5) A public notice shall also be published in a daily newspaper at the expense of the applicant.

(6) If any application referred to in sub-rule (1) is pending on the date of the publication of these Rules, the applicant may within thirty days from such date of publication of the Rules, or on the order of the Custodian, within the period specified therein amend his application so as to bring it in conformity with these Rules and may also make up the deficiency in Court Fee stamp within the period aforesaid. Provided that the Custodian on sufficient cause being shown may extend the period prescribed by this sub-rule.

(7) In case the applicant fails to amend the application in accordance with sub-rule (6) of this Rule, the Custodian may dismiss the application or proceed to decide it on the materials before him.

(8) After notices are served in accordance with the provisions of sub-rules (4) and (5) the Custodian shall proceed to determine the application after a summary enquiry.

(9) If a party making an application fails to appear on the date fixed when the case is called for hearing, the Custodian may dismiss the application for default or proceed to decide the application on the materials before him in the absence of the party.

(10) Where the application is dismissed under sub-rule (9) the applicant shall be precluded from making a fresh application on the same facts with respect to the same property. But the applicant may apply within thirty days from the date the order of dismissal is communicated to him for an order setting aside the dismissal and the Custodian, if he is satisfied that there was sufficient cause for non-appearance when the case was called for hearing, shall make an order setting aside the order of dismissal upon such terms, as he thinks fit and shall fix a date for proceeding with the application.

(11) The Custodian shall refuse to confirm any transfer which he has reasonable grounds to believe to be colourable or benami.

19. *Mode of attachment under sub-section (3) of Section 19.*—(1) Immovable property may be attached by sealing the premises (if necessary) and also by serving a prohibitory order on the person interested not to deal with the property in any manner, whatsoever. A copy of such prohibitory order shall simultaneously be affixed on some conspicuous part of the property in question. In case of agricultural land, attachment shall be effected by serving on the person interested a prohibitory orders as provided above, and by proclaiming the fact of attachment by beat of drum in the revenue estate in which such land is situated. Intimation about the attachment may also be sent to the Collector of the District in which the land is situated.

(2) Attachment of movable property capable of immediate physical possession shall be effected by actual seizure of such property. Where, however, the property to be attached does not admit of such possession, it may be attached in any manner privided in Order XXI, Rule 44 to 49 of the Code of Civil Procedure, according as the nature of the property may permit. In case of property attached by means of actual seizure, the Custodian may make such order as he thinks just and convenient for its custody. Where, however, the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, he may sell it at once. In such a case, the sale proceeds shall be treated as the property attached.

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(3) Where the movable property attached consists of cash or ornaments or other valuables, the Custodian may make such order as he thinks fit for its preservation during the intervening period.

(4) Where, the movable property attached consists of merchandise or stock-in-trade, the Custodian shall without any unreasonable delay, have (where it is possible) an inventory made of the goods attached and also have an estimate made of their approximate value. Where it is not possible or convenient to have an inventory of the goods prepared, the Custodian may only have them evalued. In such cases, the Custodian shall make over the goods to the person claiming title thereto or found in possession thereof on his furnishing security for their estimated value.

(5) Where a business is the subject-matter of an enquiry, the allegation being that the business is evacuee property, the Custodian may call upon the person in possession of the business establishment to furnish security for its estimated income for a period of one year or such lesser period as he deems fit and on his furnishing security shall allow him to continue the business. In case of the expiration of the period of one year before the conclusion of the enquiry, the Custodian may ask for security for a further period. The business premises may be sealed if the required security is not furnished within the period specified by the Custodian and may be handed over to a caretaker on his furnishing the requisite security :

Provided that no business or residential premises shall be kept under seal for any period beyond that which is strictly necessary.

20. *Enforcement of claims to attached property.*—All claims to attached property, shall be determined by the Custodian and paid out *pro-rata* by him out of the income or sale proceeds of the property under attachment, provided always that the dues payable to the Custodian will be a first charge on such attached property.

21. *Management of Trust properties.*—Trust properties like other evacuee properties may be managed by the Custodian but in case of a public trust of religious or charitable nature, recourse may be had to Section 92 of the Code of Civil Procedure, if the circumstances so require.

22. *Lease of evacuee property.*—Any evacuee property may be leased out by the Custodian for a reasonable period.

Explanation :—The expression reasonable period means a period not exceeding three years in the case of agricultural lands and five years in the case of industrial concern.

23. *Method of payment of amounts due to the Custodian.*—(1) Rents, rates, lease-money, sale proceeds and other amounts payable to the Custodian in respect of evacuee property under the Ordinance or under these Rules shall be tendered in cash or by postal money order to the Cashier in the office of the Custodian or to any other person who may be authorised by the Custodian in this behalf to receive such money.

(2) The person receiving the money on his behalf shall issue a receipt in Form No. 8. Receipts issued by the person making realisation on behalf of the Custodian on the spot shall, however, be prepared in Form No. 9 by carbon process by using double-sided carbon paper.

(3) Crossed cheques may, at the discretion of the Custodian, be accepted. In case of out-station cheques, the amount on account of bank commission should also be added to the amount due to the Custodian. No receipt for any cheque shall be a valid discharge of any liability unless the cheque is cashed.

24. *Administration charges and Custodian Fee.*—(1) A fee equivalent to 10 per cent of gross realisation made from evacuee property shall be charged as administration charges. This fee shall be in addition to the expenses incurred on the maintenance and repairs and other expenditure which may be incurred directly or indirectly on behalf of the evacuee and shall be levied on the date to be prescribed by the Ministry of Rehabilitation.

(2) When any movable evacuee property is returned under Section 16 administration charges equivalent to 10 per cent of the assessed value of the property shall be charged over and above other charges which may have been actually incurred on maintenance, transport or storage of the same.

25. *Manner of service or publication of notice, summons or order.*—Service or publication of any notice, summons or order under the Ordinance or under these Rules shall be effected in one or more of the following modes namely :—

(1) by giving or tendering it to the person concerned or his manager or agent, if any.

(2) by leaving it at the last known place of business of the person concerned or by giving or tendering it to some adult member of the family.

(3) by sending the notice, summons or order by registered post.

(4) by affixing the notice, summons or order on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned or by publication in a daily newspaper or by proclamation by beat of drum in the locality.

26. *Issue of certificates for restoration of property under Section 16.*—No certificate under section 16 shall be issued if the property in question, in the opinion of the authority competent to grant such certificate, is required for any rehabilitation purpose.

27. *Reference to a Civil Court under Section 16.*—The Custodian may refer the applicant to a Civil Court for the determination of his claim and title to the property where there is more than one claimant or where the matter is complicated and it is not in the interests of the parties to have the necessary adjudication in a summary enquiry.

28. *Examination of witnesses.*—The Custodian shall be entitled to issue a commission for recording statement on oath of any person, as provided in Order XXVI of the Code of Civil Procedure.

29. *Appeals—Review—Revisions.*—(1) All appeals under the Ordinance shall, when they lie to the specially designated District Judge or the Custodian, be filed within thirty days of the date of the order appealed against and when they lie to the Custodian General, within sixty days of such date.

(2) The petition of appeal shall be presented in person or through a legal practitioner or a recognised agent when the appeal lies to the Custodian or a specially designated District Judge. Where an appeal lies to the Custodian General the petition of appeal may be sent by registered post.

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(3) Every petition shall state succinctly the grounds on which the order appealed from is attacked and shall be accompanied by a copy of such order unless the appellate authority dispenses with such copy.

(4) Except as otherwise expressly provided in the Ordinance or in these Rules, the procedure laid down in Order XLI of Civil Procedure Code shall, so far as applicable, apply to the hearing and the disposal of appeals under the Ordinance.

(5) Any petition for revision when made to the Custodian shall ordinarily be filed within thirty days of the order sought to be revised, while a petition for revision when made to the Custodian General shall ordinarily be made within sixty days of such date. The petition shall be presented in the same manner as a petition of appeal when it is made to the Custodian but it may be sent by registered post when made to the Custodian General. The petition shall be accompanied by a copy of the order sought to be revised and when made to the Custodian General by also a copy of the original order unless the appellate authority dispenses with the production of any such copy.

(6) An application for review of any order may be made within thirty days of the date of such order and shall be presented either in person or through a legal practitioner or a recognised agent.

(7) The provisions of Sections, 4, 5 and 12 of the Indian Limitation Act of 1908, shall, so far as they are applicable apply in computing the period of limitation' provided in this rule.

(8) A notice of any appeal, revision or review may be given, in addition to the persons concerned, to any other person who, in the opinion of the authority hearing the appeal, the revision or the review, may be interested in the same.

(9) Any authority hearing any appeal or revision may admit additional evidence before its final disposal or may remand the case for admission of additional evidence and report or for a fresh decision, as such authority may deem fit.

30. *Court Fees.*—The following fees shall be payable in respect of petitions, applications and appeals under the Ordinance as indicated against each :—

	Rs.
(1) *Appeals*—	
(i) to the Custodian General	20/-
(ii) to the Custodian, Additional Custodian or the specially designated District Judge	10/-
(2) *Petitions*—	
(i) for revision when made to the Custodian General	10/-
(ii) for revision when made to the Custodian or Additional Custodian	5/-
(iii) for review	5/-
(3) *Applications*—	
(i) Under Section 16 for restoration of property	10/-
(ii) Under Section 38 for confirmation of transfer—	
(*a*) where the consideration for the transfer does not exceed Rs. 1,000	2/-
(*b*) where the consideration for the transfer exceeds Rs. 1,000, but does not exceed Rs. 5,000	5/-
(*c*) where the consideration for the transfer exceeds Rs. 5,000, but does not exceed Rs. 10,000	10/-
(*d*) in all other cases	20/-

1. Modified by corrigendum, dated 25th March 1950.

	Rs.
(4) Applications under section 23 for an intending evacuee being called upon to pay up the deficiency in the consideration paid by him for an evacuee's property in Pakistan	5/-
Application for a copy	-/2/-
Applications not otherwise provided for—	
(a) when made to the Custodian General	2/-
(b) when made to any other officer	1/-

No officer authorized to receive any appeal, petition or application shall receive the same unless it bears a court-fee stamp of the value provided for in this rule.

31. *Basic record of property to be maintained in Property Section.*—(a) *Record of immovable property.*—All immovable property taken possession of by the Custodian shall be recorded in Registers in Form No. 10. Similar Registers shall be maintained with respect to properties of Intending Evacuees.

(b) *Record of movable property.*—All movable property taken possession of by the Custodian shall be recorded in a Register in Form No. 11 and a slip in Form No. 12 shall be attached to each article. The Officer entrusted with the custody of such property shall be responsible for its safe custody and for protecting it from loss, damage or deterioration. He shall maintain a suitable record of the property taken into custody with a view to facilitate check at any time of the articles in hand with those shown as such in the Registers. He shall also arrange for periodical physical verification of the articles in hand.

(c) *Record of valuables.*—The account books, title deeds and other valuables and documents taken possession of by the Custodian shall be noted in the Register of Valuables in Form No. 13 and a slip in Form No. 12 shall be attached to each article.

Note.—When any property is disposed of by sale or otherwise the details of disposal shall be entered in the appropriate columns of the relevant registers.

32. *Powers for Managers.*—The Manager appointed under sub-section (2) of Section 10 shall act under the general supervision and control of the Custodian and may exercise such powers as may be delegated in writing to him by the Custodian from time to time.

33. *Fees for inspection and copies.*—(1) The following fees shall be payable by a person desirous of obtaining any copy from any record maintained under the Ordinance or these Rules :—

	Rs.
(a) Certifications of receipt of cash or duplicate Challan	1/-
(b) Copy of any final original order passed by a Custodian. Challan	2/-
(c) Copy of final order passed on appeal, revision or review	3/-
(d) Copy of any application, objection petition, affidavit or statement made by a party or a witness	3/-
(e) Any other document	4/-

Notes.—(i) The amounts shall be paid in court fee stamps which shall be cancelled and punched straightaway.

(ii) Any person interested in any evacuee property may, with the permission of the Custodian, inspect the record relating to such property on pay-

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ment of Rs. 5 in court fee stamps. Any person interested in any original case, appeal, revision or review pending before the Custodian General, or any Custodian may, with the permission of such officer, inspect the record of such case on payment of a similar fee.

(iii) Such officer may authorise a person inspecting to take short notes (not verbatim in pencil).

34. *Forms.*—(*a*) Books of accounts and registers shall be printed, strongly bound and machine page-numbered before being brought into use.

(*b*) Stock account of all account registers, books and forms shall be maintained in Form No. 14. The receipt books shall be kept in the personal custody of the Officer-in-charge of the Cash Section.

35. *Seal.*—The Custodian General and the Custodian shall have a seal which will bear the words Custodian General/Custodian of Evacuee Property.

36. *Restitution.*—When any property taken into possession as an evacuee property is subsequently declared by the Custodian or any other competent authority to be a non-evacuee property, the Custodian may, on the application of any party entitled to the actual possession thereof, take such action as will place the parties in the same position in which they were on the date of possession. For this purpose, the Custodian may order the person in occupation of the property to vacate the same and the Custodian may use such force or authorise the use of such force, as may be necessary for the purpose.

FORM No. 1

[*See* Rule 5 (1)]

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION

Office of the Custodian of Evacuee Property

NOTICE

Dated 19 .

To

Shri.....

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.....

WHEREAS there is credible information in possession of the Custodian that you are an evacuee under clause (iii) of Section 2 (*d*) of the Administration of Evacuee Property Ordinance on account of the grounds mentioned below:

AND WHEREAS it is desirable to hear you in person;

NOW, THEREFORE, you are hereby called upon to show cause (with all material evidence on which you wish to rely) why orders should not be passed declaring you an evacuee and all your property as evacuee property under the provisions of the said Ordinance.

The hearing of your case is fixed before the undersigned in Room No..... on.....19 at.....

Grounds.—Acquisition of evacuee property by way of allotment in Pakistan (as an illustration).

Deputy / Assistant Custodian.

FORM No. 2

[*See* Rule 6 (2)]

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

NOTIFICATION

Dated 194 .

In pursuance of sub-section (3) of section 7 of the Administration of Evacuee Property Ordinance, 1949, the Custodian for the Province of is pleased to notify for general information the list of the evacuee properties specified in the schedule annexed hereto, which have vested in him.

SCHEDULE 692

Serial No.	Description	Locality

Custodian of Evacuees' Property.

FORM No. 3

[*See* Rule 7(1)]

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

Notice under sub-section (4) of Section 8 of the Administration of Evacuee Property Ordinance, 1949.

WHEREAS the undermentioned property has vested in the Custodian under section 8 of the Administration of Evacuee Property Ordinance, 1949, I hereby demand that the possession of the said property be surrendered by you to me or to
authorised by me, by failing which you will be evicted from the undermentioned premises, with such force as may be necessary for the purpose.

Serial No.	Description	Locality

Custodian of Evacuees' Property.

Dated :

To

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.....

FORM No. 4

[*See* Rule 8(1)]

WARRANT OF EVICTION

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

Warrant of Eviction under Section 9 of the Administration of Evacuee Property Ordinance, 1949.

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WHEREAS a notice in writing dated in which a demand to surrender the possession of undermentioned property was made to

AND WHEREAS he has refused or failed to vacate the said property.

NOW, THEREFORE, in exercise of the powers vested in me by Section 9 of the said Ordinance, I hereby order that be evicted forthwith from the said property and the same be taken into possession. I also order the use of such force as may be necessary for the purpose of eviction and for taking the property into possession.

Given under my hand and seal this day of 194

Custodian of Evacuees' Property.

Serial No.	Description	Locality

THE FORM OF THE BOND

FORM No. 5

(*See* Rule 10)

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

KNOW ALL MEN BY THESE PRESENTS that we (Superdar) and (Surety) do hereby bind ourselves and each of us, our and each of our heirs, executors and administrators to pay to the Governor-General of India on demand the sum of Rs.

Dated this day of , 194 .

WHEREAS the above bounden (Superdar) has been entrusted by the Custodian of Evacuees' Property hereinafter called 'the Custodian' with the custody of the property mentioned in the Schedule hereunder written;

NOW the condition of the abovewritten bond is such that if the above-bounden (Superdar) shall duly hand over to the Custodian whenever demanded by him, the property, mentioned in the Schedule hereunder written in good order and condition and shall duly account for any loss which the owner of the property may suffer by reason of any default or neglect on his part and shall, until delivery to the Custodian as aforesaid property maintain and take care of the said property and shall obey all orders of the Custodian in respect thereof then and in such case the abovewritten obligation shall be void and of no effect; otherwise it shall be and remain in full force and virtue.

6 94

The Schedule above referred to

Signed and delivered by the above-bounden (Superdar) in the presence of

Signed and delivered by the above-bounden (Surety) in the presence of

.....

Two witnesses . . .

FORM No. 6

(*See* Rule 12)

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

Dated 194 .

INVENTORY

List of properties recovered on from the House Factory/Shop/Garden of

at No.....

Mohalla City.....

Serial No.	Name of Properties	Description

Witnesses

(1)

(2)

Signature of official recovering the property.

Countersignature of Assistant Deputy Custodian,

695

FORM No. 7

[*See* Rule 18(4)]

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

To

.....

.....

WHEREAS the transferer/transferee.....has presented an application dated.....to the Custodian for confirmation of the transfer as specified below.....

You are hereby required to be present on..... at.....in the office of the Custodian.

You may also bring any papers in your possession relevant to the inquiry.

Custodian of Evacuees' Property.

PARTICULARS OF TRANSFER

———

FORM No. 8

[*See* Rule 23 (2)]

GOVERNMENT OF INDIA

CUSTODIAN OF EVACUEES' PROPERTY.

Date.....195 .

Book No..... Receipt No.....

Received from.....

.....

.....

Rs..... Rupees.....

.....

on account of.....

.....

.....

Signature of Cashier/Official granting receipt.

FORM No. 8

[*See* Rule 23 (2)]

GOVERNMENT OF INDIA

CUSTODIAN OF EVACUEES' PROPERTY.

RECEIPT FOR PAYMENTS TO GOVERNMENT

Book No..... Receipt No..... Place.....

Date.....195 .

Received from .....

.....

.....

Rs..... Rupees.....

.....

on account of.....

.....

.....

Signature of Cashier/Official granting receipt.

476

896

FORM No. 9

[*See* Rule 23 (2)]

697

GOVERNMENT OF INDIA

MINISTRY OF REHABILITATION, OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

Book No. Receipt No. Place

Dated :

Received from

Rs. Rupees

in cash/by cheque on account of rent/licence fee/lease money in respect of for

@ Rs.

Previous Receipt No.

Signature

Designation

FORM No. 10

[*See* Rule 31(a)] 698.

Register of immovable Property.

Sl. No.	Locality	Municipal House No.	Ration House No.	Designation of property by name if any and by type of building, for instance residential bungalow, shop, Cinema, Theatre, mosque, Factory, etc.	Name and address of owner	Accommodation available No. and size of rooms, Store rooms verandah, kitchen bathroom, courtyard, etc.	Present condition of the building
1	2	3	4	5	6	7	8

Site rent if any, payable by owner of the building	Class of accommodation	Whether Electricity or Water laid on	Present occupant (Name and Father's name or Head of Family)	Local or refugee, if refugee, occupation report filed or not. If filed, its No. and date of refugee Registration Certificate	Province or origin Western Pakistan	Authority of occupation if any (allotment or confirmation letter, with No. and date.)
9	10	11	12	13	14	15

Date of occupation	No. of his family members and their Ration Cards Nos. Their names, ages and relationship to the head	Description of present occupation i.e. Business, Service or other avocation	His income from Immovable property before he left Pakistan	Name of F. I. who surveyed	Name of officer who checked
16	17	18	19	20	21

No. and Date of tenancy deed executed	Municipal Assessment	Assessed rent (per mensem)	RESTORATION		Remarks
			Date of Application	Restored on	
22	23	24	25	26	27

700

FORM No. 12

[*See* Rule 31 (*b*)]

MALKHANA LABELS

Name of estate.....

Date of possession.....

Serial No. Register of Valuables.....

.....

FORM No. 13

[*See* Rule 31 (*c*)]

Register of Valuables

Serial No.		
Name of estate		
Reference to	Index Register	
	Register of Moveable Property	
Full particulars of property		
Date of possession		
Initials of the incharge		
Date of disposal		
How disposed of (in case of sale quote No. and date of receipt.)		
Initials of the incharge		
Remarks		

FORM No. II

[*See* Rule 31 (*b*)]

REGISTER OF INVENTORIES OF MOVABLE PROPERTY OF.....

Address.....

Locality.....

Value as per report of Dy. Custodian			Condition in which taken over	Initials	Reference to order, if restored or lent on hire or otherwise	Reference to S. No. in the a list	Sale Proceeds Received					Initials	Remarks
							No. and date of challan	No. and date of receipt	Amount				
Rs.	As.	Ps.							Rs.	As.	Ps.		

FORM No. 14

702

[*See* Rule 34 (*b*)]

STOCK ACCOUNT OF FORMS

NAME OF FORM

Date	Opening balance	Received	Issued	Closing Balances	To whom issued	Signature of recipient	Remarks
*1	2	3	4	5	6	7	8

C. N. CHANDRA, *Secy.*

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

NOTIFICATION.

763

No. L.D. 1077—Legis. 4-50-25, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. T-2/117/50, dated 19th June 1950 of the Ministry of Communications amending the "Rules for the licensing of wireless receiving apparatus, 1940", published in the *Gazette of India*, Part I—Section 1, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 19th June 1950.

No.T-2/117/50.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that with effect from the 1st August 1950, the following further amendments shall be made in the "Rules for the licensing of wireless receiving apparatus, 1940", namely :—

In the said Rules—

(1) For rule 5, the following rule shall be substituted, namely :—

"5. Save as provided in rule 14, an original license and a renewed license shall be valid upto the 31st December of the year of issue or renewal."

(2) In rule 14, after the words "after the expiry of his license", the words "and 14 days of grace thereafter" shall be inserted.

A. V. PAI, *Secy.*

NOTIFICATION.

No. L.D. 1078—Legis. 4-50-26, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. T-2/117/50, dated 19th June 1950 of the Ministry of Communications amending the Indian Wireless Telegraphy (Possession) Rules, 1933, published in

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the *Gazette of India*, Part I—Section 1, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 19th June 1950.

No. T-2/117/50.—In exercise of the powers conferred by section 10 of the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), the Central Government is pleased to direct that, with effect from the 1st August 1950, the following further amendments shall be made in the Indian Wireless Telegraphy (Possession) Rule, 1933, namely :—

I. In the said Rules—

(1) For rules 6 and 7, the following rules shall be substituted, namely :—

"6. Save as provided in rule 18, an original license and a renewed license shall be valid upto 31st December of the year of issue or renewal, as the case may be.

7. A fee of fifteen rupees per year shall be payable for every license issued under these rules :

Provided that where a license is issued or renewed during the middle of a calendar year, a *pro rata* fee on a monthly basis shall be payable, the month of issue or renewal of the license being treated as a full month :

Provided further that the *pro rata* fee on monthly basis shall be rounded off to the next higher multiple of four annas."

(2) In rule 18, after the words, "after the expiry of his license", the words, "and 14 days of grace thereafter", shall be inserted.

II. In the forms annexed to the said Rules—

(1) In Form II, for the words, figures and letters ".....for a period of twelve months ending the last day of the month of.....193 . The payment of the license fee of Rs. 10 is hereby acknowledged", the following shall be substituted, namely :—

"for the period from 1st..... to 31st December 19..... inclusive. The payment of license fee of Rs. .....is hereby acknowledged."

(2) In Form III, for the words, figures and letters, "for a period of twelve months ending on the last day of the month of .....193..... The payment of the license fee of Rs. 10 is hereby acknowledged", the following shall be substituted, namely :—

"for the period from 1st..... to 31st December 19..... inclusive. The payment of license fee of Rs. ..... is hereby acknowledged."

A. V. PAI, *Secy.*

NOTIFICATION.

705

No. L.D. 1079—Legis. 4-50-27, dated Bangalore, 11th July 1950.

Ordered that the accompanying Notification No. S.R.O. 177, dated 20th June 1950, of the Ministry of Industry and Supply publishing the Patents and Designs (Extension of Time) Rules, 1950 published in the *Gazette of India*, Part II-Section 3 dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF INDUSTRY AND SUPPLY.

New Delhi, the 20th June 1950.

S.R.O. 177.—In exercise of the powers conferred by section 4 of the Patents and Designs (Extension of Time) Act, 1950 (II of 1950), the Central Government is pleased to make the following rules :—

THE PATENTS AND DESIGNS (EXTENSION OF TIME) RULES, 1950.

1. *Short title and commencement.*——(1) These rules may be called the Patents and Designs (Extension of Time) Rules, 1950.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Patents and Designs (Extension of Time) Act, 1950 (II of 1950) ;

(*b*) "principal Act" means the Indian Patents and Designs Act, 1911 (II of 1911) ;

(*c*) "Controller" has the meaning assigned to it in the principal Act.

3. *Form of application.*—(1) An application from a displaced person for an extension of time under the Act, shall, so far as may be, be made in the form appended to these rules.

(2) Every such application shall be supported by an affidavit stating the grounds on which the application is made.

4. *Order on application.*—(1) Where the Controller, on perusal of the application and the affidavit, is satisfied that a case for extension of time is made out, he may grant the application.

(2) Where, in the opinion of the Controller, the application and the affidavit do not disclose a case for extension of time, he may, after giving the applicant an opportunity of being heard in the matter, pass a final order on the application, granting or rejecting it.

(3) An order granting an application for extension of time under this rule shall be made subject to the conditions hereinafter specified.

5. *Conditions subject to which an order may be made.*—(1) Every order for extension of time for the payment of renewal fees on a patent shall be made subject to the following conditions :—

(*a*) that the applicant shall not commence or prosecute any action or other proceeding for damages or otherwise in respect of—

(i) the making, selling or using of the invention, or

(ii) the selling or using, at any time, any article made,

in infringement of the patent between the date of the lapsing of the patent and the date of the order granting the extension of time.

(*b*) that if any person within one year of the date of the said order makes an application to the Controller for compensation in respect of any money, time or labour expended by him in relation to the subject matter of the patent in the *bona fide* belief that such patent had become, and continued to be, void, it shall be lawful for the Controller, after hearing the parties concerned :—

(i) to assess the amount of such compensation and to specify the party by whom and the time within which such compensation shall be paid.

(ii) to direct that if default is made in payment of such compensation, then the said patent shall become void but the compensation awarded shall not, in that case, be recoverable.

(2) Every order for extension of time for the sealing of a patent shall contain conditions similar to those specified in sub-rule (1) for the protection of any person who has availed himself of the invention which is the subject matter of the patent, between, the date when the time allowed by or under section 10 of the principal Act for making an application for sealing of the patent expired and the date of the order granting the extension of time.

(3) Every order granting an extension of time for the filing of an application for the extension of the period of a copyright in a design shall be made subject to the condition that the registered proprietor of the design shall not commence or prosecute any action or other proceeding for damages or otherwise in respect of—

(*a*) the application of the design to any article in any class of goods in which the design is registered, for the purpose of sale, or

(*b*) the importation for the purpose of sale of any article belonging to the class in which the design is registered and the application thereto of the design or any obvious imitation thereof, or

(*c*) the publishing or exposing or causing to be published or exposed for sale any article in any class of goods in which the design is registered and the application thereto of the design or any obvious imitation thereof,

in piracy of the registered design between the date of the expiry of the period of the copyright in the design and the date of the order granting the extension of time.

(4) Every order granting an extension of time in respect of an application for a patent or design which has not been accepted shall be made subject to the following conditions :—

(*a*) conditions similar to those specified in sub-rule (2) for the protection of persons who had applied for or obtained a patent or a copy-right in respect of an identical invention or design between the date on which the original application or proceeding by the displaced person should have been completed and the date of the order granting the extension of time.

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(b) that a patent or a copyright when granted on the application for a patent or design, as the case may be, shall not in any way prejudicially affect the right of any person who might between the date on which the original application or proceeding should have been completed by the displaced person and the date of the order granting the extension of time, have applied for or obtained a patent or copyright for an identical invention or design.

FORM OF APPLICATION FOR EXTENSION OF TIME

(*See rule* 3)

I (or we)[1]

hereby apply for extension of time :—

2 {
(a) For leaving a complete specification in respect of application No. of ;
(b) For the acceptance of the application for a Patent No. of ;
(c) For the sealing of a patent on application No. of ;
(d) For the registration of a design No. applied for on ;
(e) For payment of renewal fee on the patent No. of ;
(f) For the filing of a petition for the extension of term of a patent under Section 15 of the Indian Patents and Designs Act, 1911.
(g) For filing application for extension of copyright in design No. of for a 2nd/3rd period of 5 years.

The grounds on which this application is made are stated in the enclosed affidavit*.

My (or our) address for service in India is :—

.....

.....

Dated this day of 19 .

To

The Controller of Patents and Designs,
The Patent Office, Calcutta.

[No. 223 (15)-I-6/50]

PREM CHAND, *Dy. Secy.*

[1] Insert (in full) name, address and nationality.

[2] Strike out the words which are not applicable. Quote number and year of application or patent.

*The affidavit should contain a specific declaration together with the necessary particulars that the applicant is a "displaced person" within the meaning of Section 2 of the Patents and Designs (Extension of Time) Act, 1950 and the circumstances under which the applicant could not complete any proceeding under the Indian Patents and Designs Act, 1911 within the time limits prescribed therein.

NOTIFICATION. 708

No. L.D. 1080—Legis. 4-50-28, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. S.R.O. 180, dated 12th June 1950 of the Ministry of Rehabilitation amending the Displaced Persons (Registration of Claims) Rules, 1950, published in the *Gazette of India*. Part II, Section 3, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION.

New Delhi, the 12th June 1950.

S.R.O. 180.—In exercise of the powers conferred by section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to direct that the following amendment shall be made in the Displaced Persons (Registration of Claims) Rules, 1950 :—

In the said rules :—

1. In rule 3 :—

(*a*) To sub-rule (1) the following proviso shall be added, namely—

" Provided that a displaced person, who is for the time being in the State of Jammu and Kashmir or in any place outside India, or is serving in the Armed Forces of the Union, may submit his claim to the Joint Chief Claims Commissioner ".

(*b*) To sub-rule (3) the following proviso be added, namely :—

" Provided that in the case of persons referred to in the proviso to sub-rule (1), the claim may be submitted by registered post."

2. In rule 4—

(*a*) For the words " this rule " the words " these rules " shall be substituted.

(*b*) After the words " Postal Order " the following words shall be inserted, namely—

" or in the case of a displaced person, who is for the time being outside India by a foreign money order or a crossed bank draft on the Imperial Bank of India, New Delhi ".

[No. 1 (6)/J,C.C.C./50.]

NOTIFICATION. 709

No. L. D. 1081—Legis. 4-50-29, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. S.R.O. 182, dated 16th June 1950 of the Ministry of Communications amending the Indian Telegraph Rules, 1932, published in the *Gazette of India*, Part II, Section 3, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 16th June 1950.

S.R.O. 182.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Telegraph Rules 1932, namely :—

In the said Rules—

(1) For clause (a) of rule 16, the following clause shall be substituted namely :—

"(*a*) Telegrams relating to the safety of human life in maritime or aerial navigation (SVH telegrams) (41-A)".

(2) For rule 42-A, the following rule shall be substituted, namely :—

" 42-A. Telegrams relating to the safety of human life in maritime or aerial navigation shall bear the service instruction " SVH " written by the sender or the office of origin, and telegrams so written shall be given priority in transmission above " Most Immediate " priority telegrams. Such telegrams shall be delivered to the addressee at once by the office of delivery. The charges for such telegrams in the inland service including those sent to Burma, Pakistan and Ceylon shall be at the rate prescribed for express telegrams in rule 78 ".

(3) In rule 51, the letters " SOH ", shall be omitted.

[No. T-346/48.]

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

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No. L. D. 1082—Legis. 4-50-30, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. S.R.O. 183, dated 17th June 1950 of the Ministry of Communications amending the Indian Post Office Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 17th June 1950.

S.R.O. 183.—In exercise of the powers conferred by sections 7 and 10 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely :—

In the said Rules, for rule 196, the following shall be substituted, namely :—

"196. During such hours as the Postmaster-General may prescribe, letters, postcards or packets intended for despatch by any mail may be presented at the window of the post office, Railway Mail Service office or Section except on Sundays, when unregistered letters, postcards or packets may be posted in special letter boxes provided for the purpose in Departmental Telegraph Offices Selected Combined Offices and Railway Mail Service Offices or in letter boxes provided in Railway Mail Service sections, and registered newspapers or packets of registered newspapers may be accepted in offices specially authorised by the Postmaster-General in this behalf.

The articles so presented or posted shall be accepted for despatch by inland or foreign post if the postage and the fee required by or under rule 197 have been pre-paid :

Provided that no late fee shall be chargeable on registered newspapers or packets of registered newspapers accepted for posting on Sundays by offices, especially authorised by the Postmaster-General".

[No. R. 1-16/50.]

P. K. ROY, Dy. Secy.

NOTIFICATION.

No. L.D. 1083—Legis. 4-50-31, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. S.R.O. 82, dated 24th June 1950 of the Ministry of Defence, amending the Territorial Army Rules, 1948, published in the *Gazette of India*, Part II—Section 4, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF DEFENCE.

New Delhi, the 24th June 1950.

S.R.O. 82.—In exercise of the powers conferred by Section 14 of the Territorial Army Act, 1948 (LVI of 1948), the Central Government is pleased to direct that the following amendment shall be made in the Territorial Army Rules, 1948, namely :—

In the said Rules, rule 20 shall be renumbered as sub-rule (1) of that rule and after the sub-rule as so renumbered the following sub-rule shall be added, namely :—

(2) The Officer Commanding any unit may exempt, wholly or in part, any person from the obligation to undergo the annual training prescribed by sub-rule (1).

(Case No. 176/50/D.I.).

H. M. PATEL, Secy.

NOTIFICATION.

No. L.D. 1084—Legis. 5-50-12, dated Bangalore, the 11th July 1950.

Ordered that the accompanying Notification No. F. 10—49-F.C.J., dated 25th April 1950 of the Supreme Court of India,

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amending the Supreme Court Rules, 1950, published in the *Gazette of India*, Part-I Section 1, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

SUPREME COURT OF INDIA

New Delhi, the 25th April 1950.

No. F.10/49-F.C.J.—The following is published for general information :—

Amendments to the Supreme Court Rules, 1950.

The Supreme Court of India, in the exercise of its rule-making powers, and with the approval of the President, hereby makes the following amendments to the Supreme Court Rules, 1950 :—

(1) In Part II, Order XIII,

substitute "ninety days" for "three months" in rule 1, and substitute the following for rule 3 :—

"3. The petition shall be accompained by a certified copy of the decree or order sought to be appealed from and of the judgment, if any, on which such decree or order is based and the affidavit in support thereof prescribed by rule 4 of Order XVII, and the petitioner shall lodge at least seven copies of the petition and the accompanying papers".

(2) In Part II, Order XXI,

substitute the following for rules 1 and 2 :—

"1. All criminal appeals under Articles 132 (1) and 134(1)(c) of the Constitution shall be lodged in this Court within thirty days from the date of the certificate granted by the High Court, and all appeals under Article 134(1)(a) and (b) of the Constitution or under any other provision of law within thirty days from the date of the judgment, final order or sentence appealed from :

Provided that the Court may for sufficient cause shown extend the time.

2. The provisions contained in Order XIII in relation to applications for special leave to appeal in civil proceedings shall apply *mutatis mutandis* to applications for special leave to appeal in criminal matters :

Provided that in a criminal proceeding involving a sentence of death an application for special leave to appeal shall be lodged in the Court within thirty days from the date of the refusal of certificate by the High Court or within thirty days from the date of the judgment, final order or sentence sought to be appealed from, as the case may be :

Provided further that the Court may for sufficient cause shown extend the time."

By Order of the Court
P. N. MURTY, *Registrar.*

NOTIFICATION. 713

No. L. D. 1085—Legis. 6-50-2, dated Bangalore, 11th July 1950.

Ordered that the accompanying Public Notice No. S.R.O. 181, dated 10th June 1950 of the Ministry of Rehabilitation under the Displaced Persons (Registration of Claims) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 24th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION.

PUBLIC NOTICE.

New Delhi, the 10th June 1950.

S.R.O. 181.—In pursuance of sub-rule (1) of the rule 3 of the Displaced Persons (Registration of Claims) Rules, 1950, it is notified for the information of the general public that claims by displaced persons under the Displaced Persons (Claims) Act, 1950, (XLIV of 1950), may be submitted in the prescribed form to the appropriate registering officer from the 1st of July 1950, to the 30th of September 1950.

[No. 1 (6)/J.C.C.C./60.]

S. B. CAPOOR,
Joint Chief Claims Commissioner and Joint Secy.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

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NOTIFICATIONS.

No. L.D. 1100—L.A. 29-50-1, dated Bangalore, 14th—17th July 1950.

WHEREAS a vacancy has arisen in the Bangalore City (General) Constituency of the Legislative Assembly of Mysore consequent on the resignation of Sri K. Hanumanthaiya of his membership of the said Assembly;

AND, WHEREAS, the Election Commission, India, have requested that action may be taken to fill the said vacancy;

NOW, THEREFORE, in pursuance of the provisions of Rule 34 of the Mysore Legislative Assembly Election Rules, His Highness the Maharaja of Mysore is pleased—

(*a*) to call upon the Bangalore City (General) Constituency to elect in accordance with the said Rules, one member to fill the aforesaid vacancy; and

(*b*) to appoint the following dates for the different stages of election :—

1.	Last date for filing of nominations of candidates.	Saturday, 5th August 1950 (up to 3 P.M.)
2.	Date for the scrutiny of nominations	Monday, 7th August 1950
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.)
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll	Sunday, 20th August 1950

By Order of His Highness the Maharaja,

No. L. D. 1102—L.A. 29-50-2, dated Bangalore, 14—17th July 1950.

The calendar of events relating to bye-election to the Legislative Assembly of Mysore in the following Constituency is hereby published for general information.

Legislative Assembly.

Sl. No.	*Name of the Constituency.*	*No. of seats.*
1	Bangalore City (General)	1

Calendar of Events.

The attention of the Commissioner, City of Bangalore Municipal Corporation, is invited to the several events specified below and the dates fixed for the same

and he is requested kindly to take necessary steps to carry out the programme and to keep within the time limits prescribed for the several events.

Bye-election—1950.

1.	Last date for filing of nominations of candidates.	Saturday, 5th August 1950 (up to 3 P.M.).
2.	Date for scrutiny of nominations.	Monday, 7th August 1950.
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.).
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll ...	Sunday, 20th August 1950.

By Order of His Highness the Maharaja,

No. L.D. 1104—L.A. 29-50-3, dated Bangalore, 14th—17th July 1950.

WHEREAS a vacancy has arisen in the Kolar District (General) Constituency of the Legislative Assembly of Mysore consequent on the resignation of Sri D. V. Gundappa of his membership of the said Assembly;

AND, WHEREAS the Election Commission, India, have requested that action may be taken to fill the said vacancy;

NOW, THEREFORE, in pursuance of the provisions of Rule 34 of the Mysore Legislative Assembly Election Rules, His Highness the Maharaja of Mysore is pleased—

(*a*) to call upon the Kolar District (General) Constituency to elect in accordance with the said Rules, one member to fill the aforesaid vacancy; and

(*b*) to appoint the following dates for the different stages of election :—

1.	Last date for filing of nominations	Saturday, 5th August, 1950 (up to 3 P.M.)
2.	Date for scrutiny of nominations ...	Monday, 7th August 1950
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.)
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll	Sunday, 20th August 1950

By Order of His Highness the Maharaja,

No. L.D. 1106—L.A. 29-50-4, dated Bangalore, 14—17th July 1950,

The calendar of events relating to the bye-election to the Legislative Assembly of Mysore in the following Constituency is hereby published for general information.

Legislative Assembly.

Sl. No.	*Name of Constituency.*	*No. of seats.*
1	Kolar District (General)	1

Calendar of Events.

The attention of the Deputy Commissioner of Kolar is invited to the several events specified below and the dates fixed for the same and he is requested kindly to take necessary steps to carry out the programme and to keep within the time limits prescribed for the several events.

Bye-election—1950.

1.	Last date for filing of nominations of candidates.	Saturday, 5th August 1950 (up to 3 P.M.).
2.	Date for the scrutiny of nominations.	Monday, 7th August 1950.
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.).
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll ...	Sunday, 20th August 1950.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATIONS.

No. L.D. 1132—L.A. 29-50-5, dated Bangalore, the 19th July 1950.

WHEREAS a vacancy has arisen in the Tumkur District General Constituency of the Legislative Assembly of Mysore consequent on the resignation of Sri M. V. Rama Rao of his membership of the said Assembly ;

AND, WHEREAS, the Election Commission, India, have requested that action may be taken to fill the said vacancy ;

NOW, THEREFORE, in pursuance of the provisions of Rule 34 of the Mysore Legislative Assembly Election Rules, His Highness the Maharaja of Mysore is pleased—

(*a*) to call upon the Tumkur District General Constituency to elect in accordance with the said rules, one member to fill the aforesaid vacancy ; and

(*b*) to appoint the following dates for the different stages of election :—

1.	Last date for filing of nominations of candidates.	Saturday, 5th August 1950 (up to 3 P.M.)
2.	Date for the scrutiny of nominations.	Monday, 7th August 1950.
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.)
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll.	Sunday, 20th August 1950.

By Order of His Highness the Maharaja.

No. L.D. 1134—L. A. 29-50-6, dated Bangalore, the 19th July 1950.

The calendar of events relating to bye-election to the Legislative Assembly of Mysore in the following Constituency is hereby published for general information :—

Legislative Assembly

Sl. No.	*Name of the Constituency*	*No. of seats.*
1	Tumkur District General	1

Calendar of Events

The attention of the Deputy Commissioner, Tumkur District, is invited to the several events specified below

and the dates fixed for the same, and he is requested kindly to take necessary steps to carry out the programme and keep within the time limits prescribed for the several events.

Bye-election—1950

1.	Last date for filing of nominations of candidates.	Saturday, 5th August 1950 (up to 3 P.M.)
2.	Date for the scrutiny of nominations.	Monday, 7th August 1950
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.)
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll	Sunday, 20th August 1950

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. H. 3450—Pol. 141-50-3, dated Bangalore, the 12th July 1950.

In exercise of the powers conferred by Sub-Section (2) of Section 12 of the Preventive Detention Act, 1950 (Central Act No. IV of 1950), His Highness the Maharaja of Mysore is pleased to nominate Sri J. Rudrappa, M.A., LL.B., District and Sessions Judge, Civil Station, Bangalore, as the person in consultation with whom Detention Orders shall be reviewed under the said Sub-Section.

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

No. T. 2763—R. T. 177-48-32, dated Bangalore, 11th July 1950.

In exercise of the powers conferred by Section 53 of the Mysore Motor Vehicles and Road Traffic Act, 1944 (Mysore Act No. XXVII of 1944), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made to the Mysore Motor Vehicles and Road Traffic Rules, 1945, the draft of the amendments having been previously published in the *Mysore Gazette* dated the 16th February 1950 as required by Section 125 of the said Act, namely :—

AMENDMENTS.

In Rule 132 (*b*) of the Mysore Motor Vehicles and Road Traffic Rules, 1945, for the first paragraph before

the two provisos, the following paragraph shall be substituted, namely :—

1. "No permit to ply for hire in Mysore shall be granted—

(i) to any public service vehicle other than a motor cab, which is more than six years old from the date of its original registration ;

(ii) to any goods vehicle which is more than six years old from the date of its original registration ; or

(iii) to any motor cab which is more than twelve years old from the date of its original registration."

2. In the first proviso to the said Rule after the words "not exceeding six months at a time" the words "in the case of a public service vehicle other than a motor cab and one year at a time in the case of a motor cab" shall be inserted.

After the words "or a total period of two years" the words "and three years respectively" shall be inserted.

3. In the second proviso to the said Rule, after the words "public service vehicle" wherever they occur, the words "other than a motor cab" shall be inserted.

By Order of His Highness the Maharaja,

L. MUNISWAMY,
Secretary to Government,
Local Self-Govt. Department.

No. S. R. 2102—W. & M. 4-50-8, dated Bangalore, the 10th July 1950

ERRATUM.

The following correction to Notification No. S. R. 1257—W. & M. 4-50-3, dated 2nd June 1950 is notified for general information :—

Please substitute "Midigesi" for "Madaksira" appearing against Serial No. 25.

By Order of His Highness the Maharaja,

No. C. 495—Co. 23-49-55, dated Bangalore, the 12th July 1950.

In exercise of the powers conferred by Section 3 and clause (*a*) of Sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Schedule to Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In respect of the drug in the said schedule specified in Clause 1 hereunder which is manufactured by the Upjohn Company, U.S.A., for the price specified in column 2 of the said schedule, the price specified in column 2 hereunder shall be substituted.

The Upjohn Company, U.S.A.

			Rs. a. p.
S. S. Ascorbic Acid	500 mg.	25 x 5 c.c.	50 0 0.

By Order of His Highness the Maharaja,

No. S. D. 2496—R. 54-49-7, dated Bangalore, the 12th July 1950.

In exercise of the powers conferred by Clause 2 of the Mysore Rationing Order (Order No. 2) (Food), His Highness the Maharaja of Mysore is pleased to appoint Sri C. J. Padmanabha, B.SC., as Rationing Officer, City of Bangalore, with jurisdiction over the entire area included within the Municipal limits of the City of Bangalore Municipal Corporation.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,

Food and Agriculture Departments.

No. L.S. 1316—L.W. 122-50-1, dated Bangalore, the 15th July 1950.

In exercise of the powers conferred under Section 42 of the Mysore Shops and Establishments Act, 1948 (Act II of 1948), His Highness the Maharaja of Mysore is pleased to appoint the following persons as Inspectors for the purposes of the said Act in the places noted against each of them :—

	Name.	*Place.*
1.	Sri S. Nagappa, B.A., I Division Clerk, Office of the District Superintendent of Police, Mysore ...	K. G. F.
2.	Sri S. R. Jayaram, B.A., Supernumerary I Division Clerk, General and Revenue Secretariat ...	Davangere.
3.	Sri G. S. Lingaraj, B.Sc. ...	Shimoga.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

No. P. W. 3435—38, dated Bangalore, the 10th July 1950.

In exercise of the powers vested in them by Sub-Section 1 of Section 25 of the Mysore Irrigation Act No. I of 1932, Government are pleased to declare that the provisions of Section 25 of the said Act shall not apply to the restoration of jodi Uganawadi Yelavanakere, Devanahalli Taluk, the Jodidar holding lands under the tank having already executed a mutchalika agreeing to pay a contribution of Rs. 13,133 of the work.

By Order of His Highness the Maharaja,

B. S. NARASINGA RAO,

Secretary to Government,
Public Works Department.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, MONDAY, JULY 24, 1950.

PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L. D. 1170—L.A. 29-50-10, dated Bangalore, the 24th July 1950.

In exercise of the powers conferred by Rule 34 of the Mysore Legislative Assembly Election Rules, His Highness the Maharaja of Mysore is pleased to direct that in the Notifications specified below, the amendments indicated against each of them shall be made :—

Notification	*Amendment.*
1. Notification No. L.D. 1100—L.A. 29-50-1, dated the 17th July 1950.	After the word "Constituency" wherever it occurs, insert the words and figures "namely, the Constituency the extent of which is the Bangalore City Municipal limits as they stood prior to the 8th December 1949, and Binnypet".
2. Notification No. L.D. 1102—L.A. 29-50-2, dated the 17th July 1950.	After the words "Bangalore City (General)" insert the words, "namely, the Constituency the extent of which is the Bangalore City Municipal limits as they stood prior to the 8th December 1949, and Binnypet".

By Order of His Highness the Maharaja,

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No. L.D. 1172—L.A. 29-50-11, dated Bangalore, the 24th July 1950.

WHEREAS a vacancy has arisen in the Hassan District (General) Constituency of the Legislative Assembly of Mysore, consequent on the disqualification incurred by Sri H. Siddananjappa to be a member of the said Assembly;

AND, WHEREAS, the Election Commission, India, have requested that action may be taken to fill the said vacancy;

NOW, THEREFORE, in pursuance of the provisions of Rule 34 of the Mysore Legislative Assembly Election Rules, His Highness the Maharaja of Mysore is pleased:

(*a*) to call upon the Hassan District (General) Constituency to elect in accordance with the said Rules, one member to fill the aforesaid vacancy; and

(*b*) to appoint the following dates for the different stages of election:—

1.	Last date for filing of nominations of candidates.	Saturday, 5th August, 1950 (Up to 3 P.M.)
2.	Date for the scrutiny of nominations.	Monday, 7th August, 1950.
3.	Last date for withdrawal of nominations.	Tuesday, 8th August, 1950. (Up to 3 P.M.)
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll	Sunday, 20th August, 1950.

By Order of His Highness the Maharaja,

No. L.D. 1174—L.A. 29-50-12, dated Bangalore, 24th July 1950.

The calendar of events relating to bye-election to the Legislative Assembly of Mysore in the following constituency is hereby published for general information:—

Legislative Assembly.

Sl. No.	*Name of the Constituency.*	*No. of seats.*
1	Hassan District (General).	1

Calendar of Events.

The attention of the Deputy Commissioner, Hassan, is invited to the several events specified below and the dates fixed for the same and he is requested kindly to take

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necessary steps to carry out the programme and keep within the time limits prescribed for the several events.

Bye-election—1950.

1.	Last date for filing of nominations of candidates.	Saturday, 5th August 1950 (up to 3 P.M.).
2.	Date for the scrutiny of nominations.	Monday, 7th August 1950.
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.).
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll ...	Sunday, 20th August 1950.

By Order of His Highness the Maharaja,

No. L. D. 1176—L. A. 29-50-13, dated Bangalore, 24th July 1950.

WHEREAS a vacancy has arisen in the Chitaldrug District (General) Constituency of the Legislative Assembly of Mysore, consequent on the resignation of Sri S. Nijalingappa of his membership of the said Assembly;

AND WHEREAS, the Election Commission, India, have requested that action may be taken to fill the said vacancy;

NOW, THEREFORE, in pursuance of the provisions of Rule 34 of the Mysore Legislative Assembly Election Rules, His Highness the Maharaja of Mysore is pleased:

(*a*) to call upon the Chitaldrug District (General) Constituency to elect in accordance with the said Rules, one member to fill the aforesaid vacancy: and

(*b*) to appoint the following dates for the different stages of election:—

1.	Last date for filing of nominations of candidates.	Saturday, 5th August 1950 (up to 3 P.M.)
2.	Date for the scrutiny of nominations.	Monday, 7th August 1950
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.)
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll	Sunday, 20th August 1950

By Order of His Highness the Maharaja,

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No. L.D. 1178—L. A. 29-50-14, dated Bangalore, 24th July 1950.

The calendar of events relating to bye-election to the Legislative Assembly of Mysore in the following constituency is hereby published for general information.

Legislative Assembly

Sl. No.	*Name of the Constituency*	*No. of seats*
1	Chitaldrug District (General)	1

Calendar of Events

The attention of the Deputy Commissioner, Chitaldrug District, is invited to the several events specified below and the dates fixed for the same and he is requested kindly to take necessary steps to carry out the programme and keep within the time limits prescribed for the several events.

Bye-election—1950.

1.	Last date for filing of nominations of candidates.	Saturday, 5th August 1950 (up to 3 P.M.)
2.	Date for the scrutiny of nominations.	Monday, 7th August 1950.
3.	Last date for withdrawal of nominations.	Tuesday, 8th August 1950 (up to 3 P.M.)
4.	Date of final publication of list of candidates standing for election.	Wednesday, 9th August 1950.
5.	Date of Poll	Sunday, 20th August 1950

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer, and
Secretary to Government,
Law Department.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

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PART IV

Section 1-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATIONS.

No. L. D. 1154—Legis. 3-50-5, dated Bangalore, the 19th—21st July 1950.

Ordered that the accompanying Khaddar (Protection of Name) Bill, 1950, published in the *Gazette of India*, dated the 22nd April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

PARLIAMENT OF INDIA.

* * * *

The following Bills were introduced in Parliament on the 17th April, 1950 :—

BILL NO. 36 OF 1950.

A Bill to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials.

BE it enacted by Parliament as follows :—

1. *Short title and extent.*—(1) This Act may be called the Khaddar (Protection of Name) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *The words "Khaddar" and "Khadi" to be trade description.*—The words "Khaddar" and "Khadi" whether in English or in any Indian language, when applied to any woven material, shall be deemed to be a trade description within the meaning of the Indian Merchandise Marks Act, 1889 (IV of 1889), indicating that such material is cloth woven on handlooms in India from cotton, silk or woollen yarn hand-spun in India or from a mixture of any two or all of such yarns.

3. *Repeal.*—The Khaddar (Name Protection) Act, 1934 (VIII of 1934), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Khaddar (Name Protection) Act, 1934, was enacted to prevent the improper use of the words "Khaddar" and "Khadi", but its provisions were not effective to prevent the sale of spurious Khadi as genuine Khadi. The Act also did not cover genuine silk and woollen Khadi fabrics.

2. The object of the present Bill is to enlarge the existing definitions of "Khaddar" and "Khadi" to cover silk and woollen fabrics, incidentally extending the Act to the whole of India except Jammu and Kashmir. It is intended to follow up this law by laws passed by the Legislatures of the States providing for the licensing of dealers in Khaddar and Khadi and the prohibition of the sale of such materials, except by licensed dealers or by dealers holding certificates from the All-India Spinners' Association.

N. V. GADGIL.

NEW DELHI ;

The 11th April, 1950.

No. D. 2574—I. & C. 95-50-2, dated Bangalore, the 20th July 1950.

The undermentioned Bill to provide for the prohibition of manufacture and import of Hydrogenated Vegetable Oils as introduced in the Constituent Assembly of India (Legislative) by Sri Thakur Das Bhargava, along with the Statement of Objects and Reasons, is published for the information of the public.

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Comments, if any, may be forwarded to the undersigned on or before the 15th August 1950.

Any comments forwarded direct to the Parliament Secretariat or to any Ministry of the Government of India, will not be accepted by them.

By Order,

R. J. REGO,

Secretary to Government,
Development Department.

THE PROHIBITION OF MANUFACTURE AND IMPORT OF HYDROGENATED VEGETABLE OILS BILL.

[AS INTRODUCED IN THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE).]

A

BILL

to provide for the prohibition of manufacture and import of hydrogenated vegetable oils.

WHEREAS it is expedient to provide for the prohibition of the manufacture and import of hydrogenated vegetable oils popularly known as *vanaspati* ghee;

It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(*1*) This Act may be called the Prohibition of Manufacture and Import of Hydrogenated Vegetable Oils Act, 195 .

(*2*) It extends to all the provinces of India and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt with in this Act.

(*3*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. *Definitions.*—In this Act,—

(*a*) " vegetable oils " include coconut, groundnut, cotton seed, sesamum, *til*, rapeseed oils and such other oils as are used or are usable for the manufacture of hydrogenated vegetable oils popularly known as *vanaspati* ghee.

(*b*) Hydrogenation means the process of passing hydrogen through vegetable oils.

3. *Prohibition of manufacture and import of hydrogenated vegetable oils.*—It is hereby declared that it is expedient in the public interest that the manufacture and import in the Indian Union of hydrogenated vegetable oils, popularly known as *vanaspati* ghee, be prohibited and the same are hereby prohibited.

4. *Punishment for manufacture or import of hydrogenated vegetable oils.*—Any person who manufactures or imports or abets the manufacture or import of hydrogenated vegetable oils into the Indian Union shall be punished with imprisonment of either description for a term which may extend to one year.

5. *Forfeiture of certain property used in the commission of the offence.*—Whenever any offence relating to the manufacture or import of hydrogenated vegetable oils has been proved to have been committed, the court shall order that the machinery, utensils, receptacles, other instruments or articles, components or unfinished or finished goods and the imported vegetable oils, as the case may be, be forfeited to the Government.

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6. *Issue of search warrants, disposal of property seized and appeals.*—(*1*) If a District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class epecially empowered in this behalf, upon information and after such enquiry as he thinks necessary, has reason to believe that any place is being used for the manufacture of hydrogenated vegetable oils or for the deposit of imported hydrogenated vegetable oils, he may, by warrant, authorise any Police officer, above the rank of a constable, to enter, with such assistance as may be required, such place and to search the same and take into possession any machinery, utensils, receptacles, other instruments or articles, components or unfinished or finished goods used for and connected with the manufacture of hydrogenated vegetable oils and the imported hydrogenated vegetable oils, as the case may be, in accordance with the general provisions of the Code of Criminal Procedure, 1898 (V of 1898) relating to searches, and make a report to the court how the warrant has been executed and what things or articles have been taken into possession.

(*2*) The court may make such orders as it thinks fit for the proper custody of the articles or things taken into possession on search pending the conclusion of the enquiry or trial, and after conclusion of the enquiry or trial, order the destruction, forfeiture, sale of any such articles or things, as the case may be, and in case the court finds that such articles or things, were not used for or were not connected with the manufacture of hydrogenated vegetable oils or the stuff seized was not hydrogenated vegetable oil or was not imported, it shall order the return of such articles, things or goods to the person entitled to the possession thereof.

(*3*) Any person aggrieved by an order made under sub-section (*1*) may appeal against such order to the court to which appeals ordinarily lie from such subordinate court.

STATEMENT OF OBJECTS AND REASONS

This Bill aims at prohibiting the manufacture and import of what is popularly known as *vanaspati* ghee. The stuff known as *vanaspati* ghee is in fact no ghee at all, but it is hydrogenated vegetable oil and that too of inferior quality from the point of nutrition. Usually groundnut or cotton-seed oil and similar oils are used for the manufacture of *vanaspati* ghee. The process of hydrogenation, *i.e.*, passing hydrogen through vegetable oils solidifies these oils and imparts to them the texture, shape, consistency and flavour of ghee and thereby invests these oils with potential and potent capacity for being undetectably adulterated with pure ghee. The Ayurvedic science and the popular notions associate great potentialities of imparting vigour and strength to the human system with pure ghee and regard milk-ghee as *Amrit*.

In the last few years its manufacture has increased to an alarming extent and the manufacturing interests have become so powerful and influential that in spite of its most baneful effects on the physical health, public morals and rural economy of the country, the Government has not been able to check its growth.

It has been proved by experiments carried on in Government Scientific Laboratories that its use is detrimental to health.

The demand in the country for prohibiting the manufacture and import of *vanaspati* ghee is very strong.

As the clauses are self evident, no separate notes are necessary.

THAKUR DAS BHARGAVA.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 1-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION

No. L.D. 569—Legis. 2-50-19, dated Bangalore, 27th May 1950.

Ordered that the accompanying Insurance (Amendment) Act, 1950 (XLVII of 1950) published in the *Gazette of India,* dated the 23rd May 1950, be republished in the *Mysore Gazette,* for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

ACT No. XLVII OF 1950

(*Received assent on 20th May* 1950.)

THE INSURANCE (AMENDMENT) ACT, 1950

AN

ACT

further to amend the Insurance Act, 1938.

BE it enacted by Parliament as follows :—

1. *Short title and commencement.*—(*1*) This Act may be called the Insurance (Amendment) Act, 1950.

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(2) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 1, Act IV of 1938*.—For sub-section (2) of section 1 of the Insurance Act, 1938 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely :—

" (2) It extends to the whole of India except the State of Jammu and Kashmir".

3. *Amendment of section 2, Act IV of 1938*.—In section 2 of the said Act,—

(1) for clause (3), the following clause shall be substituted, namely :—

' (3) "approved securities" means—

(i) Government securities and other securities charged on the revenues of the Central Government or of the Government of a Part A State or guaranteed fully as regards principal and interest by the Central Government, or the Government of any Part A State;

(ii) debentures or other securities for money issued under the authority of any Central Act or Act of a State Legislature by or on behalf of a port trust or municipal corporation or city improvement trust in any presidency-town;

(iii) shares of a corporation established by law and guaranteed fully by the Central Government or the Government of a Part A State as to the repayment of the principal and the payment of dividend;

(iv) securities issued or guaranteed fully as regards principal and interest by the Government of any Part B State and specified as approved securities for the purposes of this Act by the Central Government by notification in the Official Gazette; and

(v) subject to the limitations contained in the proviso hereto securities guaranteed fully as regards principal and interest by a Provincial Government in Pakistan or charged on the revenues of any part of that Dominion, and debentures or other securities for money issued by or on behalf of the trustees of the port of Karachi:

Provided that securities or debentures specified in item (v) shall be recognised as approved securities only for such purposes and for such period and subject to such conditions as may be prescribed.';

(2) for clause (4), the following clause shall be substituted, namely :—

'(4) "auditor" means a person qualified under the Chartered Accountants Act, 1949 (XXXVIII of 1949) to act as an auditor of companies;';

(3) after clause (4), the following clause shall be inserted, namely :—

'(4A) "banking company" and "company" shall have the meanings respectively assigned to them in clauses (c) and (d) of sub-section (1) of section 5 of the Banking Companies Act, 1949 (X of 1949;';)

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(4) after clause (5), the following clauses shall be inserted, namely :—

'(5A) "chief agent" means a person who, not being a salaried employee of an insurer, in consideration of any commission—

(i) performs any administrative and organising functions for the insurer, and

(ii) procures life insurance business for the insurer by employing or causing to be employed insurance agents on behalf of the insurer.

(5B) "Controller of Insurance" or "Controller" means the officer appointed by the Central Government to perform the duties of the Controller of Insurance under this Act;';

(5) after clause (6), the following clauses shall be inserted, namely :—

'(6A) "fire insurance business" means the business of effecting, otherwise than incidentally to some other class of insurance business, contracts of insurance against loss by or incidental to fire or other occurrence customarily included among the risks insured against in fire insurance policies;

(6B) "general insurance business" means fire, marine or miscellaneous insurance business, whether carried on singly or in combination with one or more of them;';

(6) for clause (7), the following clause shall be substituted, namely :—

(7) "Government security" means a Government security as defined in the Public Debt Act, 1944 (XVIII of 1944);';

(7) in clause (9),—

(i) in sub-clause (a) the words "or of any Part B State" shall be omitted, and

(ii) for the words "but does not include an insurance agent licensed under section 42" the words "but does not include a principal agent, chief agent, special agent, or an insurance agent" shall be substituted;

(8) in clause (10), the following words shall be added at the end, namely :—

"including business relating to the continuance, renewal or revival of policies of insurance";

(9) after clause (10), the following clause shall be inserted, namely :—

'(10A) "investment company" means a company whose principal business is the acquisition of shares, stocks, debentures or other securities;';

(10) for clause (11), the following clause shall be substituted, namely :—

'(11) "life insurance business" means the business of effecting contracts of insurance upon human life, including any contract whereby the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, and any contract which is subject to payment of premiums for a term dependent on human life and shall be deemed to include—

(a) the granting of disability and double or triple indemnity accident benefits, of so provided in the contract of insurance;

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(*b*) the granting of annuities upon human life; and

(*c*) the granting of superannuation allowances and annuities payable out of any fund applicable solely to the relief and maintenance of persons engaged or who have been engaged in any particular profession, trade or employment or of the dependents of such persons;';

(*11*) after clause (*13*), the following clauses shall be inserted, namely:—

'(*13A*) "marine insurance business" means the business of effecting contracts of insurance upon vessels of any description, including cargoes, freights and other interest which may be legally insured, in or in relation to such vessels, cargoes and freights, goods, wares, merchandise and property of whatever description insured for any transit by land or water, or both, and whether or not including warehouse risks or similar risks in addition or as incidental to such transit, and includes any other risks customarily included among the risks insured against in marine insurance policies;

(*13B*) "miscellaneous insurance business" means the business of effecting contracts of insurance which is not principally or wholly of any kind or kinds included in clauses (*6A*), (*11*) and (*13A*);';

(*12*) for clause (*14A*) the following clause shall be substituted, namely:—

'(*14A*) the expressions "State" and "States" do not include the State of Jammu and Kashmir';

(*13*) for clause (*15*), the following clauses shall be substituted, employee of an insurer, in consideration of any commission,—

'(*15*) "principal agent" means a person who, not being a salaried employee of an insurer, in consideration of any commission,—

(*i*) performs any administrative and organising functions for the insurer, and

(*ii*) procures general insurance business whether wholly or in part by employing or causing to be employed insurance agents on behalf of the insurer;

(*16*) "private company" and "public company" have the meanings respectively assigned to them in clauses (*13*) and (*13A*) of section 2 of the Indian Companies Act, 1913 (VII of 1913);

(*17*) "special agent" means a person who, not being a salaried employee of an insurer, in consideration of any commission, procures life insurance business for the insurer whether wholly or in part by employing or causing to be employed insurance agents on behalf of the insurer, but does not include a chief agent.'

4. *Substitution of "Controller" for "Superintendent of Insurance" and "Superintendent".*—In the said Act, for the words "Superintendent of Insurance" and "Superintendent", the word "Controller" shall be substituted.

5. *Insertion of new sections 2A and 2B in Part I, Act IV of 1938.*—In Part I, after section 2 of the said Act, the following sections shall be inserted, namely:—

"2A. *Rule of construction in applying Act to Part B States.*—In the application of this Act to any Part B State to which this Act extends,

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unless the context otherwise requires, references to any enactment in force in Part A States but not in force in that Part B State shall be construed as references to the corresponding enactment, if any, in force in that State.

2B. *Appointment of Controller of Insurance.*—(*1*) The Central Government may, by notification in the Official Gazette, appoint a person to be the Controller of Insurance under this Act.

(*2*) In making any appointment under this section, the Central Government shall have due regard to the following considerations, namely, whether the person to be appointed has had experience in industrial, commercial or insurance matters and whether such person has actuarial qualifications."

6. *Insertion of new section 2C in Part II, Act IV of 1938.*—In Part II of the said Act, sections 2A and 2B shall be renumbered as sections 2D and 2E, and before the sections as so renumbered, the following section shall be inserted, namely :—

"2C. *Prohibition of transaction of insurance business by certain persons.*—(*1*) Save as hereinafter provided, no person shall, after the commencement of the Insurance (Amendment) Act, 1950, begin to carry on any class of insurance business in the States and no insurer carrying on any class of insurance business in the States shall after the expiry of one year from such commencement, continue to carry on any such business unless he is—

(*a*) a public company, or

(*b*) a society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force in any State relating to co-operative societies, or

(*c*) a body corporate incorporated under the law of any country outside the States not being of the nature of a private company :

Provided that the Central Government may, by notification in the Official Gazette, exempt from the operation of this section to such extent for such period and subject to such conditions as it may specify, any person or insurer for the purpose of carrying on the business of granting superannuation allowances and annuities of the nature specified in sub-clause (*c*) of clause (*11*) of section 2 or for the purpose of carrying on any general insurance business :

Provided further that in the case of an insurer carrying on any general insurance business no such notification shall be issued having effect for more than three years at any one time.

(*2*) Every notification issued under sub-section (*1*) shall be laid before Parliament as soon as may be after it is issued."

7. *Amendment of section 3, Act IV of 1938.*—In section 3 of the said Act,—

(*1*) in sub-section (*4*),—

(*i*) for clause (*f*), the following clause shall be substituted namely :—

"(*f*) if the insurer makes default in complying with, or acts in contravention of, any requirement of this Act or of any rule or order made thereunder, or";

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(*ii*) for clause (*h*), the following clause shall be substituted, namely :—

"(*h*) if the insurer carries on any business other than insurance business or any prescribed business";

(*2*) in sub-section (*5C*) for the words, figure and letter "or that he has complied with the order under section 3B" the words "or that he has complied with any requirement of this Act or of any rule or order made thereunder or that he has ceased to carry on any business other than insurance business or any prescribed business" shall be substituted;

(*3*) in sub-section (*6*), for the figures and word "5, 10 and 32", the figures, letters and word "2C, 5, 6A, 10(*2A*), 31A and 32" shall be substituted.

8. *Amendments of section 4, Act IV of 1938.*—In sub-section (*1*) of section 4 of the said Act, for the words and figures "the Insurance Act, 1938" the words "this Act" shall be substituted.

9. *Insertion of new sections 6A, 6B and 6C in Act IV of 1938.*—After section 6 of the said Act, the following sections shall be inserted, namely :—

"6A. *Requirements as to capital structure and voting rights and maintenance of registers of beneficial owners of shares.*—(*1*) No public company limited by shares having its registered office in the States, shall carry on life insurance business, unless it satisfies all the following conditions, namely :—

(*i*) that the capital of the company consists only of ordinary shares each of which has a single face value;

(*ii*) that except during any period not exceeding one year allowed by the company for payment of calls on shares, the paid-up amount is the same for all shares, whether existing or new :

Provided that the conditions specified in this sub-section shall not apply to a public company which has, before the commencement of the Insurance (Amendment) Act, 1950, issued any shares other than ordinary shares each of which has a single face value or any shares the paid-up amount whereof is not the same for all of them for a period of three years from such commencement.

(*2*) Notwithstanding anything to the contrary contained in any law for the time being in force or in the memorandum or articles of association but subject to the other provisions contained in this section the voting right of every shareholder of any public company as aforesaid shall in all cases be strictly proportionate to the paid-up amount of the shares held by him.

(*3*) No public company as aforesaid which carries on life insurance business shall, after the commencement of the Insurance (Amendment) Act, 1950, issue any shares other than ordinary shares of the nature specified in sub-section (*1*).

(*4*) A public company as aforesaid which carries on life insurance business—

(*a*) shall maintain, in addition to the register of numbers to be maintained under the Indian Companies Act, 1913 (VII of 1913), a register of shares in which shall be entered the name, occupation and address of the beneficial owner of each share, and shall incorporate therein any change of beneficial owner declared to it within fourteen days from the receipt of such declaration;

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(*b*) shall not register any transfer of its shares—

(*i*) unless, in addition to compliance being made with the provisions of section 34 of the Indian Companies Act, 1913 (VII of 1913), the transferee furnishes a declaration in the prescribed form as to whether he proposes to hold the shares for his own benefit or as a nominee, whether jointly or severally, on behalf of others, and in the latter case giving the name, occupation and address of the beneficial owner or owners, and the extent of the beneficial interest of each; and

(*ii*) where, after the transfer, the total paid-up holding of the transferee in the shares of the company is likely to exceed five per cent, of its paid-up capital or where the transferee is a banking or an investment company, is likely to exceed two and a half per cent of such paid-up capital unless the previous sanction of the Central Government has been obtained to the transfer.

(*5*) Every person who has any interest in any share of a company referred to in sub-section (*4*) which stands in the name of another person in the register of members of the company, shall within thirty days from the commencement of the Insurance (Amendment) Act, 1950, or from the date on which he acquires such interest, whichever is later, make a declaration in the prescribed from (which shall be countersigned by the person in whose name the share is registered) to the company declaring his interest in such share, and notwithstanding anything contained in any other law or in any contract to the contrary, a person who fails to make a declaration as aforesaid in respect of any share shall be deemed to have no right or title whatsoever in that share:

Provided that nothing in this sub-section shall affect the right of a person who has an interest in any such share to establish in a court his right thereto, if the person, in whose name the share is registered, refuses to countersign the declaration as required by this sub-section:

Provided further that where any share, belonging to an individual who has made any such declaration as is referred to in this sub-section, is held by a company in its name in pursuance of any trust or for the purpose of safe custody or collection or realisation of dividend, such individual shall, notwithstandng anything contained in the Indian Companies Act, 1913 (VII of 1913), or in the memorandum or articles of association of the company which has issued the share, be deemed to be the holder of the said share for the purpose of exercising any voting rights under this section to the exclusion of any other person.

(*6*) If the total paid-up holding of any person in the shares of a company referred to in sub-section (*1*) on the commencement of the Insurance (Amendment) Act, 1950, exceeds two and a half per cent, of its paid-up capital where that person is a banking company or an investment company, or five per cent, of its paid-up capital in any other case, he shall not be entitled to any vote as a shareholder of the company in respect of such excess holding of shares.

(*7*) Where the total paid-up holding of any person in the shares of a company referred to in sub-section ( ) on the date of the commencement of the Insurance (Amendment) Act, 1950, exceeds five per cent, of its paid-up capital where that person is a banking company or an investment company, or ten per cent, of its paid-up capital in any other case, he shall

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dispose of the excess holding of shares within three years from such commencement or such further period not exceeding two years as may be allowed to him by the Central Government.

(*8*) If, after the expiry of three years or of such further period as may be allowed to any person under sub-section (*7*), the total paid-up holding of any such person has not been reduced to the limits specified in that sub-section, any shares in excess of the limits specified in that sub-section shall vest in the Administrator General of the State in which the registered office of the company concerned is situate and the Administrator General shall take such steps as may be necessary for taking charge of any property which has so vested in him and shall dispose of the said shares and the proceeds thereof in such manner as may be prescribed.

(*9*) Subject to the other provisions contained in this section, but notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913), or in the memorandum or articles of association of any such company as is referred to in sub-section (*1*), no such company shall refuse to register the transfer of any shares where the transfer is for the purpose of securing compliance with the provisions of sub-sections (*7*) and (*8*).

(*10*) The Central Government may, subject to such restrictions as it may think fit to impose, exempt from the operation of sub-sections (*6*), (*7*) and (*8*) any insurance company, in any case where the total paid-up holding of such insurance company in the shares of any other insurance company exceeds the limits specified in the said sub-sections, if the other insurance company is or is to be made a subsidiary company of the insurance company.

Explanation.—For the purposes of this section, the holding of a person in the shares of a company shall be deemed to include—

(*i*) the total paid-up holding in such shares held by such person in the name of others; and

(*ii*) if any shares of the company are held—

(*a*) by a public limited company, of which such person is a member holding more than ten per cent, of the paid-up capital, or

(*b*) by a private limited company, of which such person is a member, or

(*c*) by a company, of which such person is a managing director, manager, managing agent or in which he has a controlling interest, or

(*d*) by a firm in which such person is a partner, or

(*e*) by such person jointly with others,

such part of the total paid-up holding of the company or firm or of the total joint holding in those shares, as is proportionate to the contribution made by such person to the paid-up capital of the company, the paid-up capital of the firm or the joint holding, as the case may be.

6B. *Provision for securing compliance with requirements relating to capital structure.*—(*1*) For the purpose of enabling any public company carrying on life insurance business to bring its capital structure into conformity with the requirements of section 6A, an officer appointed in this

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behalf by the Central Government may, notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913),—

(*a*) examine any scheme proposed for the purpose aforesaid by the directors of the company:

Provided that—

(*i*) the scheme has been placed before a meeting of the shareholders for their opinion and has been forwarded to the officer together with the opinion of the shareholders thereon; and

(*ii*) the scheme does not involve any diminution of the liability of the shareholders in respect of unpaid-up share capital;

(*b*) invite objections and suggestions in respect of the scheme so proposed; and

(*c*) after considering such objections and suggestions to the scheme so proposed, sanction it with such modifications as he may consider necessary or desirable.

(*2*) Any shareholder or other person aggrieved by the decision of the officer sanctioning a scheme under sub-section (*1*) may, within ninety days of the date of the order sanctioning the scheme, prefer an appeal to the High Court within whose jurisdiction the registered office of the insurer is situate for the purpose of modifying or correcting any such scheme for the purpose specified in sub-section (*1*).

(*3*) The decision of the High Court where an appeal has been preferred to it under sub-section (*2*), or of the officer aforesaid where no such appeal has been preferred, shall be final and binding on all the shareholders and other persons concerned.

6C. *Conversion of company limited by shares into company limited by guarantee.*—(*1*) Where a public company limited by shares carrying on insurance business has passed a special resolution for converting itself into a public company limited by guarantee, it may apply to the Central Government with a scheme for putting the special resolution into effect, including any provision for the alteration of the memorandum or articles of association in so far as it may be necessary for this purpose.

(*2*) If the Central Government, after giving such notice to any person concerned as it thinks fit, is satisfied—

(*a*) that the scheme makes suitable provision with respect to the repayment, conversion or liquidation of the paid-up capital of the company,

(*b*) that the consent of the creditors to the conversion of the company limited by shares into a company limited by guarantee has been obtained, or that suitable provisions have been made for discharging, determining or securing the debts or claims of such creditors, and

(*c*) that the scheme is otherwise reasonable, it may sanction the scheme and thereupon the scheme shall become binding on the company and on all the persons concerned.

(*3*) Against the decision of the Central Government sanctioning a scheme under sub-section (*2*), any person aggrieved thereby may, within ninety days of the date of the order sanctioning the scheme, prefer an appeal to the High Court within whose jurisdiction the registered office of the insurer is situate.

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(*4*) The decision of the High Court where an appeal has been preferred to it under sub-section (*3*) or of the Central Government where no such appeal has been preferred, shall be final and binding on all the persons concerned.

(*5*) Where a scheme has been sanctioned under this section, the company shall file with the Registrar of companies a certified copy of the scheme as sanctioned, and thereupon the provisions of the Indian Companies Act, 1913 (VII of 1913), relating to companies limited by guarantee shall become applicable to the company."

10. *Amendment of section 7, Act IV of 1938.*—In section 7 of the said Act,—

(*i*) in clause (*d*) of sub-section (*1*), the words "that is to say, insurance which is not in the opinion of the Central Government principally or wholly of any kind or kinds included in clauses (*a*), (*b*) or (*c*)" shall be omitted;

(*ii*) in sub-section (*4*) and the proviso to sub-section (*5*), the words "and not being an insurer incorporated in or domiciled in the United Kingdom" shall be omitted.

11. *Amendment of section 10, Act IV of 1938.*—In sub-section (*2*) of section 10 of the said Act, for the words beginning with the words "and a statement, certified by an auditor" and ending with the words "in any case think fit to allow", the following shall be substituted, namely :—

"and every insurer shall, within the time limited in sub-section (*1*) of section 15 in regard to the furnishing of the statements and accounts referred to in section 11, furnish to the Controller a statement showing in detail such assets as at the close of every calendar year duly, certified by an auditor or by a person qualified to audit under the law of the insurer's country :

Provided that such statement shall, in the case of an insurer to whom section 11 applies, be set out as a part of the balance-sheet mentioned in clause (*a*) of sub-section (*1*) of that section :

Provided further that an insurer may show in such statement all the assets held in his life department, but at the same time showing any deductions on account of general reserves and other liabilities of that department :

Provided also that the Controller may call for a statement similarly certified of such assets as at any other date specified by him to be furnished within a period of three months from the date with reference to which the statement is called for."

12. *Amendment of section 11, Act IV of 1938.*—In sub-section (*2*) of section 11 of the said Act,—

(*i*) for the words "accompanied by a statement containing the names and descriptions of the persons in charge of the management of the business", the words "accompanied by a statement containing the names, descriptions and occupations of, and the directorships held by, the persons in charge of the management of the business" shall be substituted, and

(*ii*) the words "by such persons" shall be omitted.

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13. *Amendment of section 13, Act IV of 1938.*—In section 13 of the said Act,—

(*i*) in sub-section (*1*), and the proviso to sub-section (*4*), for the words "in every five years" the words "in every three years" shall be substituted;

(*ii*) to sub-section (*1*), the following provisions shall be added, namely:—

"Provided that the Controller may, having regard to the circumstances of any particular insurer, allow him to have the investigation made as at a date not later than four years from the date as at which the previous investigation was made:

Provided further that for an insurer carrying on life insurance business in the States at the commencement of the Insurance (Amendment) Act, 1950, the last date as at which the first investigation after such commencement should be caused to be made by an actuary shall be—

(*a*) the 31st day of December, 1950, or the date of expiration of five years from the date as at which the last investigation was made by an actuary before such commencement, whichever is earlier, where the said last investigation was at a date—

(*i*) before the 31st day of December, 1946, but not more than five years before such commencement, or

(*ii*) after the 30th day of December, 1946, but before the 31st day of December, 1947, and had disclosed a deficit in the life insurance fund;

(*b*) the 31st day of December, 1951, where the last investigation by an actuary before such commencement was at a date—

(*i*) after the 30th day of December, 1946, but before the 31st day of December, 1947, and did not disclose a deficit in the life insurance fund; or

(*ii*) after the 30th day of December, 1947, but before the 31st day of December, 1948;

(*c*) the 31st day of December, 1952, where the last investigation by an actuary before such commencement was as at any date after the 30th day of December, 1948, but before the 1st day of January, 1950:

Provided also that, in the case of an insurer who has not caused an investigation to be made by an actuary as at any date prior to such commencement, the date of commencement of life insurance business in the State shall, for the purpose of the preceding proviso, be deemed to be the date as at which the last investigation was made by an actuary before such commencement and such investigation shall be deemed to have disclosed no deficit in the life insurance fund."

14. *Amendment of section 19, Act IV of 1938.*—In section 19 of the said Act, for the words "an abstract of the proceedings of every general meeting" the words "a certified copy of the minutes of the proceedings of every general meeting, as entered in the Minutes Book of the insurer" shall be substituted.

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15. *Amendment of section 21, Act IV of 1938.*—In clause (*d*) of sub-section (*1*) of section 21 of the said Act,—

(*i*) after the words "delivered to the insurer" the words "or of such further time as the Controller may specify in the requisition" shall be inserted :

(*ii*) after the word and figures "section 28" the words, figures, and letter "or section 28A" shall be inserted.

16. *Substitution of new section for section 27, Act IV of 1938.*—For section 27 of the said Act, the following section shall be substituted, namely :—

"27. *Investment of assets.*—(*1*) Every insurer shall invest and at all times keep invested assets equivalent to not less than the sum of—

(*a*) the amount of his liabilities to holders of life insurance policies in India on account of matured claims, and

(*b*) the amount required to meet the liability on policies of life insurance maturing for payment in India,

less—

(*i*) the amount of premiums which have fallen due to the insurer on such policies but have not been paid and the days of grace for payment of which have not expired, and

(*ii*) any amount due to the insurer for loans granted on and within the surrender values of policies of life insurance maturing for payment in India issued by him or by an insurer whose business he has acquired and in respect of which he has assumed liability,

in the manner following, namely, twenty-five per cent of the said sum in Government securities, a further sum equal to not less than twenty-five per cent, of the said sum in Government securities or other approved securities and the balance in any of the approved investments specified in sub-section (*1*) of section 27A or, subject to the limitations, conditions and restrictions specified in sub-section (2) of that section, in any other investment.

(*2*) For the purposes of sub-section (*1*),—

(*a*) the amount of any deposit made under section 7 or section 98 by the insurer in respect of his life insurance business shall be deemed to be assets invested or kept invested in Government securities :

(*b*) the securities of, or guaranteed as to principal and interest by, the Government of the United Kingdom shall be regarded as approved securities other than Government securities for a period of four years from the commencement of the Insurance (Amendment) Act, 1950, in the manner and to the extent hereinafter specified, namely,—

(*i*) during the first year, to the extent of twenty-five per cent in value of the sum referred to in sub-section (*1*);

(*ii*) during the second year, to the extent of eighteen and three-fourths per cent, in value of the said sum ;

(*iii*) during the third year, to the extent of twelve and a half per cent, in value of the said sum ; and

(*iv*) during the fourth year, to the extent of six and a quarter per cent, in value of the said sum ;

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Provided that, if the Central Government so directs in any case, the securities specified in clause (*b*) shall be regarded as approved securities other than Government securities for a longer period than four years, but not exceeding six years in all, and the manner in which and the extent to which the securities shall be so regarded shall be as specified in the direction ;

(*c*) any prescribed assets shall, subject to such conditions, if any, as may be prescribed be deemed to be assets invested or kept invested in approved investments specified in sub-section (*1*) of section 27A.

(*3*) In computing the assests referred to in sub-section (*1*)—

(*a*) any investment made with reference to any currency other than the Indian rupee which is in excess of the amount required to meet the liabilities of the insurer in India with reference to that currency, to the extent of such excess ; and

(*b*) any investment made in the purchase of any immovable property outside India or on the security of any property,

shall not be taken into account :

Provided that nothing contained in this sub-section shall affect the operation of sub-section (*2*) :

Provided further that the Central Government may, either generally or in any particular case, direct that any investment, whether made before or after the commencement of the Insurance (Amendment) Act, 1950, and whether made in or outside India, shall, subject to such conditions as may be imposed, be taken into account in such manner as may be specified in computing the assets referred to in sub-section (*1*) and where any direction has been issued under this proviso copies thereof shall be laid before Parliament as soon as may be after it is issued.

(*4*) Where an insurer has accepted reassurance in respect of any policies of life insurance issued by another insurer and maturing for payment in India or has ceded reassurance to another insurer in respect of any such policies issued by himself, the sum referred to in sub-section (*1*) shall be increased by the amount of the liability involved in such acceptance and decreased by the amount of the liability involved in such cessation.

(*5*) The Government securities and other approved securities in which assets are under sub-section (*1*) to be invested and kept invested shall be held by the insurer free of any encumbrance, charge, hypothecation or lien.

(*6*) The assets required by this section to be held invested by an insurer incorporated or domiciled outside the States shall, except to the extent of any part thereof which consists of foreign assets held outside the States, be held in the States, and all such assets shall be held in trust for the discharge of the liabilities of the nature referred to in sub-section (*1*) and shall be vested in trustees resident in the States and approved by the Central Government, and the instrument of trust under this sub-section shall be executed by the insurer with the approval of the Central Government and shall define the manner in which alone the subject-matter of the trust shall be dealt with.

Explanation.—This sub-section shall apply to an insurer incorporated in the States whose share-capital to the extent of one-third is owned by, or the members of whose governing body to the extent of one-third consists of, members domiciled elsewhere than in the States."

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17. *Insertion of new section 27A in Act IV of 1938.*—After section 27 of the said Act, the following section shall be inserted, namely :—

"27A. *Further provisions regarding investments.*—(*1*) No insurer shall invest or keep invested any part of his controlled fund otherwise than in any of the following approved investments, namely :—

(*a*) approved securities :

(*b*) securities of, or guaranteed as to principal and interest by, the Government of the United Kingdom ;

(*c*) debentures or other securities for money issued with the permission of the State Government by any municipality in a State ;

(*d*) debentures or other securities for money issued by any authority constituted under any housing or building scheme approved by the Central or a State Government, or by any authority or body constituted by any Central Act or Act of a State Legislature ;

(*e*) first mortgages on immovable property situated in India under any housing or building scheme of the insurer approved by the Central Government or a State Government ;

(*f*) debentures secured by a first charge on any immovable property, plant or equipment of any company which has paid interest in full for the five years immediately preceding or for at least five out of the six or seven years immediately preceding on such or similar debentures issued by it ;

(*g*) debentures secured by a first charge on any immovable property, plant or equipment of any company where either the book value or the market value, whichever is less, of such property, plant or equipment is more than three times the value of such debentures ;

(*h*) first debentures secured by a floating charge on all its assets of any company which has paid dividends on its ordinary shares for the five years immediately preceding or for at least five out of the six or seven years immediately preceding ;

(*i*) preference shares of any company which has paid dividends on its ordinary shares for the five years immediately preceding or for at least five out of the six or seven years immediately preceding ;

(*j*) preference shares of any company on which dividends have been paid for the five years immediately preceding or for at least five out of the six or seven years immediately preceding and which have priority in payment over all the ordinary shares of the company in winding up ;

(*k*) shares of any company which have been guaranteed by another company, such other company having paid dividends on its ordinary shares for the five years immediately preceding or for at least five out of the six or seven years immediately preceding :

Provided that the total amount of shares of all the companies under guaranteee by the guaranteeing company is not in excess of fifty per cent, of the paid-up amount of preference and ordinary shares of the guaranteeing company ;

(*l*) shares of any company on which dividends of not less than four per cent, including bonus have been paid for the seven years immediately preceding or for at least seven out of the eight or nine years immediately preceding ;

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(*m*) first mortgages on immovable property situated in the States or in any other country where the insurer is carrying on insurance business :

Provided that the property mortgaged is not lease-hold property with an outstanding term of less than thirty years and the value of the property exceeds by one-third, or if it consists of buildings, exceeds by one-half, the mortgage money ;

(*n*) immovable property situated in the States or in any other country where the insurer is carrying on insurance business :

Provided that the property is free of all encumbrances ;

(*o*) loans on life interests, or on policies of life insurance within their surrender values issued by him or by an insurer whose business he has acquired and in respect of which business he has assumed liability ;

(*p*) life interests ;

(*q*) fixed deposits with banks included for the time being in the Second Schedule to the Reserve Bank of India Act, 1934 (II of 1934), or with co-operative societies registered under the Indian Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force, the primary object of which is to finance other co-operative societies similarly registered ;

(*r*) debentures of, or shares in co-operative societies registered under the Indian Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force ;

(*s*) such other investments as the Central Government may, by notification in the Official Gazette, declare to be approved investments for the purposes of this section.

(*2*) Notwithstanding anything contained in sub-section (*1*), an insurer being a company or a co-operative life insurance society as defined in clause (*b*) of sub-section (*1*) of section 95, may, subject to the provisions contained in the next succeeding sub-sections, invest or keep invested any part of his controlled fund otherwise than in an approved investment, if—

(*i*) after such investment, the total amounts of all such investments of the insurer do not exceed fifteen per cent, of the sum referred to in sub-section (*1*) of section 27,

(*ii*) the investment is made, or, in the case of any investment already made, the continuance of such investment is with the consent of all the directors present at a meeting and eligible to vote, special notice of which has been given to all directors then in the States, and all such investments, including investments in which any director is interested, are reported without delay to the Controller with full details of the investments and the extent of the director's interest in any such investment.

(*3*) An insurer shall not out of his controlled fund invest or keep invested in the shares of any one banking company or investment company more than—

(*a*) two and a quarter per cent, of the sum referred to in sub-section (*1*) of section 27, or

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(*b*) two per cent of the subscribed share capital and debentures of the banking company or investment company concerned,

whichever is less.

(*4*) An insurer shall not out of the controlled fund invest or keep invested in the shares or debentures of any one company other than a banking company or investment company more than—

(*a*) two and a quarter per cent of the sum referred to in sub-section (*1*) of section 27, or

(*b*) ten per cent of the subscribed share capital and debentures of the company,

whichever is less :

Provided that nothing in this sub-section shall apply to any investment made with the previous consent of the Central Government by an insurer, being a company with a view to forming a subsidiary company carrying on insurance business.

(*5*) An insurer shall not out of his controlled fund invest or keep invested any sum in the shares or debentures of any private limited company.

(*6*) Where an investment is in partly paid-up shares, the uncalled liability on such shares shall be added to the amount invested for the purpose of computing the percentages referred to in clause (*a*) of sub-section (*1*) and clause (*a*) of sub-section (*4*).

(*7*) Notwithstanding anything contained in sub-sections (*3*) and (*4*), where new shares are issued to the existing share-holders by a company the existing shares of which are covered by clause (*i*) or clause (*k*) or clause (*l*) of sub-section (*1*) and of which an insurer is already a shareholder, the insurer may subscribe to such new shares :

Provided that the proportion of new shares subscribed by him does not exceed the proportion which the paid-up amount on the shares held by him immediately before such subscription bears to the total paid-up capital of the company at the time of such subscription.

(*8*) If, on an application submitted through the Controller the Central Government is satisfied that special grounds exist warranting such exemption, the Central Government may for such period, to such extent and in relation to such particular investments and subject to such conditions as may be specified by it in this behalf, exempt an insurer from all or any of the privisions of sub-section (*3*), (*4*) and (*7*).

(*9*) An insurer shall not keep more than three per cent of the controlled fund in fixed deposit or current deposit, or partly in fixed deposit and partly in current deposit, with any one banking company or with any one co-operative society registered under the Indian Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force, doing banking business :

Provided that in applying this sub-section to the amount in deposit with a banking company on any day all the premiums collected by the company on behalf of the insurer during the preceding thirty days shall be excluded :

Provided further that the Controller may permit a co-operative insurance society as defined in clause (*b*) of sub-section (*1*) of section

keep more than three per cent of its controlled fund in fixed deposit with any co-operative society referred to in this sub-section, if the fixed deposit is secured by a first mortgage on any immovable property.

(*10*) All assets forming the controlled fund, not being Government securities or other approved securities in which assets are to be invested or held invested in accordance with section 27, shall (except for a part thereof not exceeding one-tenth of the controlled fund in value which may, subject to such conditions and restrictions as may be prescribed, be offered as security for any loan taken for purposes of any investment), be held free of any encumbrance, charge, hypothecation or lien.

(*11*) If at any time the Central Government considers any one or more of the investments constituting an insurer's controlled fund to be unsuitable or undesirable, the Central Government may, after giving the insurer an opportunity of being heard, direct him to realise the investment or investments, and the insurer shall comply with the direction within such time as may be specified in this behalf by the Central Government.

(*12*) Every insurer in existence at the commencement of the Insurance (Amendment) Act, 1950, whose investments or any part thereof at such commencement contravene or contravenes any of the provisions of this section, shall, within ninety days from such commencement, submit to the Controller a report specifying all such investments, and, if the Central Government is satisfied that it will not be in the interest of the insurer or any class of insurers generally to realise any such investments, it may, by order, direct that the provisions of this section [other than the provisions contained in sub-section (*11*)] shall not apply in relation to any such investments or to any class of investments generally for such period or periods as may be specified in the order.

(*13*) Without prejudice to the powers given to the Central Government by sub-section (*11*), nothing contained in this section shall be deemed to require any insurer to realise any investment made in conformity with the provisions of sub-section (*1*) after the commencement of this Act which, after the making thereof, has ceased to be an approved investment within the meaning of this section.

(*14*) Nothing contained in this section shall be deemed to affect in any way the manner in which any moneys relating to the provident fund of any employee or to any security taken from any employee or other moneys of a like nature are required to be held by or under any Central Act, or Act of a State Legislature.

Explanation.—In this section "controlled fund" means—

(*a*) in the case of any insurer specified in sub-clause (*a*) (*ii*) or sub-clause (*b*) of clause (*9*) of section 2 and carrying on life insurance business—

(*i*) all his funds, if he carries on no other class of insurance business;

(*ii*) all the funds appertaining to his life insurance business if he carries on some other class of insurance business also; and

(*b*) in the case of any other insurer carrying on life insurance business—

(*i*) all his funds in India, if he carries on no other class of insurance business;

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(*ii*) all the funds in India appertaining to his life insurance business if he carries on some other class of insurance business also ;

but does not include any fund or portion thereof in respect of which the Controller is satisfied that such fund or portion thereof, as the case may be, is regulated by the law of any country outside India or in respect of which the Controller is satisfied that it would not be in the interest of the insurer to apply the provisions of this section."

18. *Amendment of section 28, Act IV of 1938.*—In section 28 of the said Act,—

(*i*) in sub-section (1), the words "registered under this Act" shall be omitted ;

(*ii*) after sub-section (2), the following sub-sections shall be inserted, namely :—

"(*2A*) In respect of the Government securities and other approved securities invested and kept invested in accordance with sub-section (*1*) of section 27 an insurer shall submit along with the returns referred to in sub-sections (*1*) and (*2*) a certificate, where such assets are in the custody of a banking company, from that company, and in any other case, from the chairman, two directors and a principal officer, if the insurer is a company, or otherwise from a principal officer of the insurer, to the effect that the securities are held free of any encumbrance, charge, hypothecation, or lien, and every such certificate after the first shall also state that since the date of the certificate immediately preceding all the securities have been so held.

(*2B*) In respect of the assets forming the controlled fund within the meaning of section 27A, and which do not form part of the Government securities and approved securities invested and kept invested in accordance with section 27, an insurer shall submit, along with the returns referred to in sub-sections (*1*) and (*2*), a statement, where such assets are in the custody of a banking company, from that company, and, in any other case, from the chairman, two directors and a principal officer if the insurer is a company, or from a principal officer of the insurer if the insurer is not a company, specifying the assets, which are subjected to a charge and certifying that the other assets are held free of any encumbrance, charge, hypothecation, or lien, and every such statement after the first shall also specify the charges created in respect of any of those assets since the date of the statement immediately preceding, and, if any such charges have been liquidated, the date on which they were so liquidated."

19. *Insertion of new section 28A in Act IV of 1938.*—After section 28 of the said Act, the following section shall be inserted, namely :—

"28A. *Return of investments relating to controlled fund and changes therein.*—(*1*) Every insurer carrying on life insurance business, shall every year, within thirty-one days from the beginning of the year submit to the Controller a return in the prescribed form showing as at the 31st day of December of the preceding year the investments made out of the controlled fund referred to in section 27A, and every such return shall be certified by a principal officer of the insurer.

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(2) Every insurer referred to in sub-section (1) shall also submit to the Controller a return in the prescribed form showing all the changes that occurred in the investments aforesaid during each of the quarters ending on the last day of March, June, September and December within thirty-one days from the close of the quarter to which it relates, and every such return shall be certified by a principal officer of the insurer."

20. *Amendment of section 29, Act IV of 1938.*—In section 29 of the said Act,—

(i) in the first proviso to sub-section (1), for the words "nothing herein contained" the words "nothing contained in this sub-section" shall be substituted;

(ii) the second and third provisos to sub-section (1) shall be omitted;

(iii) to the fourth proviso the following words shall be added, namely:—

"and where any such loan or advance is made out of any life insurance fund the matter shall be reported within thirty days of the making of such loan or advance to the Controller.";

(iv) after sub-section (2), the following sub-sections shall be added, namely:—

"(3) Subject to the provisions of sub-section (1), no insurer carrying on life insurance business shall grant—

(a) any loans or temporary advances either on hypothecation of property or on personal security or otherwise, except such loans as are specified in sub-section (1) of section 27A;

(b) temporary advances to any chief, special or insurance agent to facilitate the carrying out of his functions as such except in cases where such advances do not exceed in the aggregate—

(i) in the case of a chief agent, the over-riding renewal commission earned by him during the year immediately preceding,

(ii) in the case of a special agent, the renewal commission earned by him during the year immediately preceding,

(iii) in the case of an insurance agent, the renewal commission earned by him during the year immediately preceding.

Explanation.—The temporary advance referred to in clause (b) of this sub-section shall also be admissible in the case of any special agent or insurance agent newly appointed, but such advance—

(a) shall be repayable within two years from the date on which such special agent or insurance agent was first appointed, and

(b) shall not exceed, in the case of the special agent, five hundred rupees, and, in the case of the insurance agent, one hundred rupees,

and the total amount of all advances so made shall not exceed ten thousand rupees in the case of any insurer whose business in force is one crore of rupees or more and five thousand rupees in any other case.

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(*4*) Every loan or advance existing at the commencement of the Insurance (Amendment) Act, 1950, which contravenes the provisions of sub-section (*3*) shall be notified by the insurer to the Controller within thirty days of such commencement and shall notwithstanding any contract to the contrary be repaid within one year from such commencement.

(*5*) Where any event occurs giving rise to circumstances, the existence of which at the time of the grant of any subsisting loan or advance would have made such grant a contravention of this section, such loan or advance shall, notwithstanding anything in any contract to the contrary, be repaid within three months from the occurrence of such event.

(*6*) In case of default in complying with the provisions of sub-section (*4*) or sub-section (*5*), the director, manager, auditor, actuary, officer or partner, or the chief, special or insurance agent concerned shall, without prejudice to any other penalty which he may incur, cease to hold office under, or to act for, the insurer granting the loan on the expiry of the said period of one year or three months, as the case may be."

21. *Amendment of section 30, Act IV of 1938.*—In section 30 of the said Act, after the word and figures "section 27" the word, figures and letter "section 27A" shall be inserted.

22. *Amendment of section 31, Act IV of 1938.*—In section 31 of the said Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(*2*) Nothing contained in this section shall be deemed to prohibit the endorsement in favour of a banking company of any security or other document solely for the purpose of collection or for realisation of interest, bonus or dividend."

23. *Insertion of new sections 31A and 31B in Act IV of 1938.*—After section 31 of the said Act, the following sections shall be inserted, namely :—

"31A. *Provisions relating to managers, etc.*—(*1*) Notwithstanding anything to the contrary contained in the Indian Companies Act, 1913 (VII of 1913), or in the articles of association of the insurer, if a company, or in any contract or agreement, no insurer shall after the expiry of one year from the commencement of the Insurance (Amendment) Act, 1950,—

(*a*) be managed by a company or a firm, or

(*b*) be directed or managed by, or employ as manager or officer or in any capacity, any person whose remuneration or any part thereof takes the form of commission or bonus or a share in the valuation surplus in respect of the life insurance business of the insurer, or

(*c*) be directed or managed by, or employ as manager or officer or in any capacity, any person whose remuneration or any part thereof takes the form of commission or bonus in respect of the general insurance business of the insurer :

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Provided that nothing in this sub-section shall be deemed to prohibit—

(*i*) the payment of commission to a chief agent, special agent or an insurance agent, in respect of life insurance business procured by or through him;

(*ii*) the payment of commission to a principal agent or an insurance agent in respect of general insurance business procured by or through him;

(*iii*) the payment of commission, with the approval of the Central Government and for such period as it may determine, to a person not being an officer of an insurer who was, on the 1st day of November, 1944, employing on behalf of an insurer, chief agents or special agents and continues so to do in respect of insurance business procured by or through him;

(*iv*) the employment of any individual in a clerical or other subordinate capacity who, as an insurance agent, receives commission in respect of insurance business procured by him;

(*v*) the employment as an officer of any individual who receives renewal commission in respect of life insurance business procured by him in his capacity as an insurance agent or as an employer of agents before such employment, or before the commencement of the Insurance (Amendment) Act, 1950, whichever is later;

(*vi*) the payment of a share in the profits of general insurance business;

(*vii*) the payment of bonus in any year on a uniform basis to all salaried employees or any class of them by way of additional remuneration, such bonus, in the case of any employee, not exceeding in amount the equivalent of his salary for a period which, in the opinion of the Central Government, is reasonable having regard to the circumstances of the case.

(*2*) Notwithstanding anything to the contrary contained in the Indian Companies Act, 1913, or in the articles of association of the insurer, being a company, or in any contract or agreement, no manager, managing director or any other person concerned in the management of an insurer's business shall be entitled to nominate a successor to his office, and no person so nominated, whether before or after the commencement of the Insurance (Amendment) Act, 1950, shall be entitled to hold or to continue in such office.

(*3*) If in the case of any insurance company provision is made by the articles of association of the company or by an agreement entered into between any person and the company for empowering a director or manager or other officer of the company to assign his office to any other person, any assignment of office made in pursuance of the said provision, shall, notwithstanding anything to the contrary contained in the said provision or in section 86B of the Indian Companies Act, 1913, be void.

(*4*) No person shall have any right, whether in contract or otherwise, to any compensation for any loss incurred by reason of the operation of any provision of this section.

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31B. *Power to restrict payment of excessive remuneration.*—(*1*) The Central Government may if it is satisfied that any insurer, in the case of an insurer specified in sub-clause (*a*) (*ii*) or sub-clause (*b*) of clause (*9*) of section 2 in respect of all insurance business transacted by him, and in the case of any other insurer in respect of the insurance business transacted by him in India, is paying any person remuneration, whether by way of commission or otherwise, on a scale disproportionate, according to the normal standards prevailing in insurance business, to the resources of the insurer, call upon the insurer to comply within six months with such directions as it may think fit to issue in the matter, and if compliance with the directions so issued requires the alteration of any of the terms of the contract entered into by the insurer with such person, no compensation shall be payable to such person by the insurer by reason only of such alteration or of the resignation of such person if the altered terms are not acceptable to him and no payment by way of renewal commission or otherwise shall be made to such person by the insurer in respect of any premiums paid after the date of such resignation except at such rate as may be approved by the Central Government in this behalf.

(*2*) Every insurer shall, before the close of the month following every year, submit to the Controller a statement in the prescribed form showing the remuneration paid, whether, by way of commission or otherwise, to any person in cases where such remuneration exceeds the sum of five thousand rupees in that year.

(*3*) Where any person not being a chief agent, principal agent or special agent is in receipt of remuneration exceeding the sum of five thousand rupees in any year, the Controller may, by notice in writing, require the insurer to submit certified copies of the agreement entered into between the insurer and any such person, and the insurer shall comply with any such requisition within the time specified in the notice."

24. *Insertion of new section 32A in Act IV of 1938.*—After section 32 of the said Act, the following section shall be inserted, namely :—

"32A. *Prohibition of common officers and requirement as to whole-time officers.*—(*1*) A managing director or other officer of an insurer specified in sub-clause (*b*) of clause (*9*) of section 2 and carrying on life insurance business shall not be a managing director or other officer of any other insurer carrying on life insurance business or of a banking company or of an investment company :

Provided that the Central Government may permit such managing director or other officer to be a managing director or other officer of any other insurer carrying on life insurance business for the purpose of amalgamating the business of the two insurers or transferring the business of one insurer to the other.

(*2*) Where an insurer specified in sub-clause (*b*) of clause (*9*) of section 2 has a life insurance fund of more than twenty-five lakhs of rupees or insurance funds totalling more than fifty lakhs of rupees, the manager, managing director or other officer of the insurer shall be a whole-time employee of the insurer :

Provided that the Central Government may, for such period as it thinks fit, permit the employment of any specified person as a part-time manager, managing director or other officer of such insurer.

(3) Nothing in this section shall prevent— 753

(a) the manager, managing director or other officer of an insurer being the manager, managing director or other officer of a subsidiary company of the insurer with the previous approval of the Central Government;

(b) the manager, managing director or other officer of an insurer, exclusively carrying on life insurance business, being the manager, managing director or other officer of an insurer not carrying on life insurance business;

(c) any officer of a branch of one insurer carrying on general insurance business from being any officer of a branch in the same town of another insurer carrying on general insurance business;

(d) an officer in the employment of an insurer from giving professional advice;

Explanation.—In this section the expression 'officer' does not include a director."

25. *Substitution of new section for sections 33 and 34 in Act IV of 1938.*—For sections 33 and 34 of the said Act, the following section shall be substituted, namely:—

"33. *Power of investigation.*—(1) The Central Government may at any time, by order in writing, direct the Controller or any other person specified in the order to investigate the affairs of any insurer and to report to the Central Government on any investigation made by him:

Provided that the Controller or the other person may, wherever necessary, employ an auditor or actuary or both for the purpose of assisting him in any investigation under this section.

(2) It shall be the duty of every manager, managing director or other officer of the insurer to produce before the person directed to make the investigation under sub-section (1) all such books of account, registers and other documents in his custody or power and to furnish him with any statements and information relating to the affairs of the insurer as the said person may require of him within such time as the said person may specify.

(3) Any person, directed to make an investigation under sub-section (1), may examine on oath, any manager, managing director or other officer of the insurer in relation to his business and may administer oaths accordingly.

(4) On receipt of any report under sub-section (1), the Central Government may, after giving such opportunity to the insurer to make a representation in connection with the report as, in the opinion of the Central Government, seems reasonable, by order in writing,—

(a) require the insurer to take such action in respect of any matter arising out of the report as the Central Government may think fit, or

(b) direct the Controller to cancel the registration of the insurer; or

(c) direct the Controller to apply to the Court for the winding up of the insurer, if a company, whether the registration of the insurer has been cancelled under clause (b) or not.

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(5) No order made under this section other than an order made under clause (b) of sub-section (4) shall be capable of being called in question in any court.

(6) All expenses of, and incidental to, any investigation made under this section shall be defrayed by the insurer, shall have priority over other debts due from the insurer and shall be recoverable as an arrear of land-revenue."

26. *Amendment of section 35, Act IV of 1938.*—In section 35 of the said Act,—

(i) in sub-section (1), for the words "Court having jurisdiction over one or other of the parties concerned" the word "Controller" shall be substituted;

(ii) in sub-section (3), for the word "Court" and the words "Central Government", wherever they occur, the word "Controller" shall be substituted;

(iii) sub-section (4) shall be omitted.

27. *Amendment of section 36, Act IV of 1938.*—Section 36 of the said Act shall be renumbered as sub-section (1) of that section, and

(a) in that sub-section as so renumbered, for the words "Court" and "it", wherever they occur, the words "Controller" and "he" shall respectively be substituted; and

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) If the arrangement involves a reduction of the amount of the insurance and other contracts of the transferor insurer or of any or all of the insurers concerned in the amalgamation, the Controller may sanction the arrangement, reducing the amount of such contracts upon such terms and subject to such conditions as he may think proper, and the reduction of contracts as sanctioned by the Controller shall be valid and binding on all the parties concerned."

28. *Amendment of section 37, Act IV of 1938.*—In section 37 of the said Act, for the word "Court", in both the places where it occurs, and for the words "Central Government", the word "Controller" shall be substituted.

29. *Amendment of section 39, Act IV of 1938.*—In section 39 of the said Act, to sub-section (1) the following proviso shall be added, namely:—

"Provided that, where any nominee is a minor, it shall be lawful for the policy-holder to appoint in the prescribed manner any person to receive the money secured by the policy in the event of his death during the minority of the nominee."

30. *Amendment of section 40, Act IV of 1938.*—In section 40 of the said Act,—

(i) in sub-section (1), for the words "or a person acting on behalf of an insurer who for purposes of insurance business employs insurance agents" the words "or a principal, chief or special agent" shall be substituted;

(ii) in sub-section (1A), after the words "and sections" the figures and letter "40A" shall be inserted;

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(*iii*) to sub-section (*2*) the following further proviso shall be added, namely :—

"Provided further that nothing in this sub-section shall apply in respect of any policy of life insurance issued after the 31st day of December, 1950, or in respect of any policy of general insurance issued after the commencement of the Insurance (Amendment) Act, 1950.";

(*iv*) in the proviso to sub-section (*2A*), after the words "notice in writing to the insurance agent through whom the policy was effected", the words "if such agent continues to be an agent of the insurer" shall be inserted.

31. *Insertion of new sections 40A to 40C in Act IV of 1938.*—After section 40 of the said Act, the following sections shall be inserted, namely :—

"40A. *Limitation of expenditure on commission.*—(*1*) No person shall pay or contract to pay to an insurance agent, and no insurance agent shall receive or contract to receive by way of commission or remuneration in any form in respect of any policy of life insurance issued in India by an insurer after the 31st day of December 1950, and effected through an insurance agent, an amount exceeding—

(*a*) where the policy grants an immediate annuity or a deferred annuity in consideration of a single premium, or where only one premium is payable on the policy, two per cent of that premium.

(*b*) where the policy grants a deferred annuity in consideration of more than one premium, seven and a half per cent of the first year's premium, and two per cent of each renewal premium, payable on the policy, and

(*c*) in any other case, thirty-five per cent of the first year's premium, seven and a half per cent of the second and third year's renewal premium, and thereafter five per cent of each renewal premium, payable on the policy :

Provided that in a case referred to in clause (*c*), an insurer, during the first ten years of his business, may pay to an insurance agent, and an insurance agent may receive from such an insurer, forty per cent of the first year's premium payable on the policy.

(*2*) No person shall pay or contract to pay to a special agent, and no special agent shall receive or contract to receive, by way of commission or as remuneration in any form, in respect of any policy of life insurance issued in India by an insurer after the 31st day of December 1950, and effected through a special agent, an amount exceeding—

(*a*) in a case referred to in clause (*a*) of sub-section (*1*), one half per cent of the premium,

(*b*) in a case referred to in clause (*b*) of sub-section (*1*), two per cent of the first year's premium payable on the policy, and

(*c*) in a case referred to in clause (*c*) of sub-section (*1*), fifteen per cent of the first year's premium payable on the policy :

Provided that in a case referred to in clause (*c*), an insurer, during the first ten years of his business, may pay to a special agent, and a special agent may receive from such an insurer, seventeen and a half per cent of the first year's premium payable on the policy.

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(3) No person shall pay or contract to pay to an insurance agent, and no insurance agent shall receive or contract to receive, by way of commission or remuneration in any form, in respect of any policy of general insurance issued in India by an insurer after the commencement of the Insurance (Amendment) Act, 1950, and effected through an insurance agent, an amount exceeding—

(a) where the policy relates to fire or miscellaneous insurance, fifteen per cent of the premium payable on the policy, and

(b) where the policy relates to marine insurance, ten per cent of the premium payable on the policy.

(4) No person shall pay or contract to pay to a principal agent, and no principal agent shall receive or contract to receive, by way of commission or remuneration in any form, in respect of any policy of general insurance issued in India by an insurer after the commencement of the Insurance (Amendment) Act, 1950, and effected through a principal agent, an amount exceeding—

(a) in the case referred to in clause (a) of sub-section (3), twenty per cent of the premium payable on the policy, and

(b) in the case referred to in clause (b) of that sub-section, fifteen per cent of the policy,

less any commission payable to any insurance agent in respect of the said policy :

Provided that the Central Government may, in such circumstances and to such extent and for such period as may be specified, authorise the payment of commission or remuneration exceeding the limits specified in this sub-section to a principal agent of an insurer incorporated or domiciled elsewhere than in India, if such agent carries out and has continuously carried out in his own office duties on behalf of the insurer which would otherwise have been performed by the insurer.

(5) Without prejudice to the provisions of section 102 in respect of a contravention of any of the provisions of the preceding sub-sections by an insurer, any insurance agent who contravenes the provisions of sub-section (1) or sub-section (3) shall be punishable with fine which may extend to one hundred rupees.

40B. *Limitation of expenses of management in life insurance business.*—(1) Every insurer transacting life insurance business in India shall furnish to the Controller, within such time as may be prescribed, statements in the prescribed form certified by an actuary on the basis of premiums currently used by him in regard to new business in respect of mortality, rate of interest, expenses and bonus loading.

(2) After the 31st day of December 1950, no insurer shall, in respect of life insurance business transacted by him in India, spend as expenses of management in any calendar year an amount in excess of the prescribed limits and in prescribing any such limits regard shall be had to the size and age of the insurer and the provisions generally made for expenses of management in the premium rates of insurers :

Provided that where an insurer has spent as such expenses in any year an amount in excess of the amount permissible under this sub-section, he shall not be deemed to have contravened the provisions of this section, if the excess amount so spent is within such limits as may be fixed in respect

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of the year by the Controller after consultation with the Executive Committee of the Life Insurance Council constituted under section 64F, by which the actual expenses incurred may exceed the expenses permissible under this sub-section.

(*3*) In respect of any statement mentioned in sub-section (*1*), the Controller may require that it shall be submitted to another actuary appointed by the insurer for the purpose and approved by the Controller, for certification by him, whether with or without modifications.

(*4*) Every insurer transacting life insurance business in India shall incorporate in the revenue account—

(*a*) a certificate signed by the chairman and two directors and by the principal officer of the insurer, and an auditor's certificate, certifying that all expenses of management in respect of life insurance business transacted by the insurer in India have been fully debited in the revenue account as expenses; and

(*b*) if the insurer is carrying on any other class of insurance business in addition to life insurance business an auditor's certificate certifying that all charges incurred in respect of his life insurance business and in respect of his business other than life insurance business have been fully debited in the respective revenue accounts.

Explanation.—In this section,—

(*a*) "calendar year" or "year" means, in relation to an insurer who is required to furnish returns in accordance with sub-section (*2*) of section 16, the period covered by the revenue account furnished by such insurer under clause (*b*) of that sub-section;

(*b*) "expenses of management" means all charges wherever incurred whether directly or indirectly, and includes—

(*i*) commission payments of all kinds,

(*ii*) any amount of expenses capitalised,

(*iii*) in the case of an insurer having his principal place of business outside India, a proper share of head office expenses which shall not be less than such percentage as may be prescribed of the total premiums (less reinsurances) received during the year in respect of life insurance business transacted by him in India,

but does not include in the case of an insurer having his principal place of business in India any share of head office expenses in respect of life insurance business transacted by him outside India.

40C. *Limitation of expenses of management in general insurance business.*—(*1*) After the 31st of December 1949, no insurer shall, in respect of any class of general insurance business transacted by him in India, spend in any calendar year as expenses of management including commission or remuneration for procuring business an amount in excess of the prescribed limits and in prescribing any such limits regard shall be had to the size and age of the insurer:

Provided that where an insurer has spent as such expenses in any year an amount in excess of the amount permissible under this sub-section, he shall not be deemed to have contravened the provisions of this section, if the excess amount so spent is within such limits as may be fixed in respect of the year by the Controller after consultation with the Executive

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Committee of the General Insurance Council constituted under section 64F, by which the actual expenses incurred may exceed the expenses permissible under this sub-section.

(2) Every insurer as aforesaid shall incorporate in the revenue account a certificate signed by the chairman and two directors and by the principal officer of the insurer, and by an auditor certifying that all expenses of management wherever incurred, whether directly or indirectly, in respect of the business referred to in this section, have been fully debited in the revenue account as expenses.

Explanation.—In this section,—

(a) "calendar year" shall have the meaning assigned to it in section 40B;

(b) "expenses of management" means all charges, wherever incurred whether directly or indirectly, including commission payments of all kinds and, in the case of an insurer having his principal place of business outside India, a proper share of head office expenses, which shall not be less than such percentage as may be prescribed, of his gross premium income (that is to say, the premium income without taking into account premiums on reinsurance ceded or accepted) written direct in India during the year;

(c) "insurance business transacted in India" includes insurance business, wherever effected, relating to any property situate in India or to any vessel or aircraft registered in India."

32. *Amendment of section 42, Act IV of 1938.*—In section 42 of the said Act,—

(a) in sub-section (1), for the words "three rupees", the words "ten rupees" shall be substituted;

(b) in sub-section (2), the word "registered" shall be omitted;

(c) for sub-section (3), the following shall be substituted, namely:—

"(3) A licence issued under this section, after the commencement of the Insurance (Amendment) Act, 1950, shall remain in force for a period of three years only from the date of issue, but shall, if the applicant does not suffer from any of the disqualifications mentioned in items (b), (c) and (d) of sub-section (4) and the application for renewal of the licence reaches the issuing authority at least thirty days before the date on which the licence ceases to remain in force, be renewed for a period of three years at any one time on payment of the prescribed fee which shall not be more than ten rupees, and an additional fee of a prescribed amount, not exceeding three rupees by way of penalty, if the application for renewal of the licence does not reach the issuing authority at least thirty days before the date on which the licence ceases to remain in force:

(3A) No application for the renewal of a licence under this section shall be entertained if the application does not reach the issuing authority before the licence ceases to remain in force:

Provided that the Controller may, if satisfied that undue hardship would be caused otherwise, accept any application in contravention of this sub-section on payment by the applicant of a penalty of thirty rupees."

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33. *Insertion of new sections 42A, 42B and 42C in Act IV of 1938.*—After section 42 of the said Act, the following sections shall be inserted, namely :—

"42A. *Registration of principal agents, chief agents and special agents.*—(*1*) The Controller or an officer authorised by him in this behalf shall, in the prescribed manner and on payment of the prescribed fee, which shall not be more than twenty-five rupees for a principal agent or a chief agent and ten rupees for a special agent, register any person who makes an application to him in the prescribed manner if,—

(*a*) in the case of an individual, he does not suffer from any of the disqualifications mentioned in sub-section (*4*) of section 42, or

(*b*) in the case of a company or firm, any of its directors or partners does not suffer from any of the said disqualifications,

and a certificate to act as a principal agent, chief agent or special agent, as the case may be, for the purpose of procuring insurance business shall be issued to him.

(*2*) A certificate issued under this section shall entitle the holder thereof to act as a principal agent, chief agent or special agent, as the case may be, for any insurer.

(*3*) A certificate issued under this section shall remain in force for a period of twelve months only from the date of issue, but shall, on application made in this behalf, be renewed from year to year on production of a certificate from the insurer concerned that the provisions of clauses 2 and 3 of Part A of the Sixth Schedule in the case of a principal agent, the provisions of clauses 2 and 4 of Part B of the said Schedule in the case of a chief agent, and the provisions of clauses 2 and 3 of Part C of the said Schedule in the case of a special agent, have been complied with, and on payment of the prescribed fee, which shall not be more than twenty-five rupees in the case of a principal agent or a chief agent, and ten rupees in the case of a special agent, and an additional fee of the prescribed amount not exceeding five rupees by way of penalty, in cases where the application for renewal of the certificate does not reach the issuing authority before the date on which the certificate ceases to remain in force:

Provided that, where the applicant is an individual, he does not suffer from any of the disqualifications mentioned in clauses (*b*) to (*d*) of sub-section (*4*) of section 42, and, where the applicant is a company or a firm, any of its directors or partners does not suffer from any of the said disqualifications.

(*4*) Where it is found that the principal agent, chief agent or special agent being an individual is, or being a company or firm contains a director or partner who is, suffering from any of the disqualifications mentioned in sub-section (*4*) of section 42 without prejudice to any other penalty to which he may be liable, the Controller shall, and where a principal agent, chief agent or special agent has contravened any of the provisions of this Act may, cancel the certificate issued under this section to such principal agent, chief agent or special agent.

(*5*) The authority which issued any certificate under this section may issue a duplicate certificate to replace a certificate lost, destroyed or mutilated on payment of the prescribed fee, which shall not be more than two rupees.

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(6) Any person who acts as a principal agent, chief agent or special agent, without holding a certificate issued under this section to act as such, shall be punishable with fine which may extend to five hundred rupees, and any insurer or any person acting on behalf of an insurer, who appoints as a principal agent, chief agent or special agent any person not entitled to act as such or transacts any insurance business in India through any such person, shall be punishable with fine which may extend to one thousand rupees.

(7) Where the person contravening sub-section (6) is a company or a firm, then without prejudice to any other proceedings which may be taken against the company or firm, every director, manager, secretary or any other officer of the company, and every partner of the firm who is knowingly a party to such contravention shall be punishable with fine which may extend to five hundred rupees.

(8) The provisions of sub-sections (6) and (7) shall not take effect until the expiry of six months from the commencement of the Insurance (Amendment) Act, 1950.

42B. *Regulation of employment of principal agents.*—(1) No insurer shall, after the expiration of seven years from the commencement of the Insurance (Amendment) Act, 1950, appoint, or transact any Insurance business in India, through a principal agent.

(2) Every contract between an insurer and a principal agent shall be in writing and the terms contained in Part A of the Sixth Schedule shall be deemed to be incorporated in, and form part of, every such contract.

(3) No insurer shall, after the commencement of the Insurance (Amendment) Act, 1950, appoint any person as a principal agent except in a presidency-town unless the appointment is by way of renewal of any contract subsisting at such commencement.

(4) Within sixty days of the commencement of the Insurance (Amendment) Act, 1950, every principal agent shall file with the insurer concerned a full list of insurance agents employed by him indicating the terms of the contract between the principal agent and each of such insurance agents, and, if any principal agent fails to file such a list within the period specified, any commission payable to such principal agent on premiums received from the date of expiry of the said period of sixty days until the date of the filing of the said list shall, notwithstanding anything in any contract to the contrary, cease to be so payable.

(5) A certified copy of every contract as is referred to in sub-section (2) shall be furnished by the insurer to the Controller within thirty days of his entering into such contract and intimation of any change in any such contract shall be furnished by the insurer with full particulars thereof to the Controller within thirty days of the making of any such change.

(6) If the commission due to any insurance agent in respect of any general insurance business procured by such agent is not paid by the principal agent for any reason, the insurer may pay the insurance agent the commission so due and recover the amount so paid from the principal agent concerned.

(7) Every contract as is referred to in sub-section (2), subsisting at the commencement of the Insurance (Amendment) Act, 1950, shall, with respect to terms regarding remuneration, be deemed to have been so altered as to be in accordance with the provisions of sub-section (4) of section 40A.

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(8) If any dispute arises as to whether a person is or was a principal agent, the matter shall be referred to the Controller, whose decision shall be final.

(9) Every insurer, shall maintain a register in which the name and address of every principal agent appointed by him, the date of such appointment and the date, if any, on which the appointment ceased shall be entered.

42C. *Regulation of employment of chief agents and special agents.*—(1) Every contract between an insurer carrying on life insurance business and a chief agent shall be in writing, and shall specify the area (not being less in extent than a district or the equivalent thereof) for which the chief agent is appointed, and the terms contained in Part B of the Sixth Schedule shall be deemed to be incorporated in, and form part of, every such contract.

(2) No chief agent shall, either directly or through insurance agents or special agents employed by or through him procure life insurance business for the insurer in any area outside the area for which he has been appointed or in any area for which another chief agent has been appointed or in any area in which the head office or any branch office of the insurer is operating, and neither the head office nor any branch office of the insurer shall operate in any area for which a chief agent has been appointed:

Provided that nothing in this sub-section shall be deemed to prohibit the head office of an insurer which had been operating at the commencement of the Insurance (Amendment) Act, 1950, for a period of not less than ten years before such commencement within the municipal limits of any town where the head office is situate, and a chief agent who, in pursuance of an agreement in writing, had been operating for a similar period within such limits, from continuing to operate within the said limits:

Provided further that nothing in this sub-section shall be deemed to prohibit an insurance agent from procuring life insurance business in or from any area and submitting the proposals direct to the principal office of the insurer in the States.

(3) Within sixty days of the commencement of the Insurance (Amendment) Act, 1950, every chief agent shall file with the insurer concerned a full list of the insurance agents employed by him, indicating the terms of the contract between the chief agent and each of such insurance agents and the business secured by each of such agents, and if any chief agent fails to file such a list within the period specified, any commission payable to such chief agent on premiums received from the date of the expiry of the said period of sixty days until the date of the filing of the said list shall, notwithstanding anything in any contract to the contrary, cease to be so payable.

(4) Every contract between an insurer carrying on life insurance business and a special agent, or between a chief agent of such insurer and a special agent, shall be in writing and the terms contained in Part C of the Sixth Schedule shall be deemed to be incorporated in, and form part, of every such contract:

Provided that the Controller may, in the case of a contract between a co-operative life insurance society as defined in clause (b) of sub-section (1) of section 95 and a co-operative society registered under the Indian

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Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force and acting as a special agent, alter, to such extent as he thinks fit, all or any of the said terms.

(5) A certified copy of every contract as is referred to in sub-section (1) or sub-section (4) shall be furnished by the insurer or the chief agent to the Controller within thirty days of his entering into such contract, and intimation of any change in any such contract shall be furnished by the insurer or the chief agent with full particulars thereof to the Controller within thirty days of the making of any such change.

(6) No such contract as is referred to in sub-section (1) or sub-section (4) shall be entered into or renewed for a period exceeding ten years at any one time, and, notwithstanding the terms of any contract to the contrary, no option to renew any such contract given to any of the parties shall be enforceable without the consent of the other.

(7) Every contract between an insurer and a person acting on behalf of such insurer who, beofre the commencement of the Insurance (Amendment) Act, 1950, has been employing insurance agents for the purpose of life insurance business, which is subsisting on such commencement, shall terminate after the expiration of ten years from such commencement, if it does not terminate earlier :

Provided that every contract shall be modified by the parties before the 1st day of January, 1951, to bring it into conformity with this Act, and any such modification shall—

(i) as respects remuneration, whether in respect of business already procured or in respect of business to be procured thereafter, be such as may be mutually agreed upon between the parties, subject, in the case of remuneration payable on business procured before such commencement, to a maximum of an over-riding commission of two and a half per cent. *plus* a further commission not exceeding three and three-quarters per cent on premiums in respect of which no commission is payable to any insurance agent ;

(ii) be deemed to include all the terms specified in Part B or Part C of the Sixth Schedule, as the case may be :

Provided further that, in the event of any dispute as to the terms of any fresh contract, the matter shall be referred to arbitration.

(8) Any such contract as is referred to in sub-section (7) which was subsisting on the 1st day of January, 1949, but has terminated or has been terminated before the commencement of the Insurance (Amendment) Act, 1950, shall be subject to the maximum limits specified in clause (i) of the proviso to sub-section (7) as respects remuneration, if any, payable on business procured before the termination of the contract.

(9) Nothing in this section shall be deemed to prevent any special agent from receiving any renewal commission on policies effected through him as an insurance agent at any time before his appointment as such special agent.

(10) If any dispute arises as to whether a person is or was a chief agent or a special agent for the purposes of this Act, the matter shall be referred to the Controller whose decision shall be final.

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(*11*) Every insurer shall maintain a register in which the name and address of every agent appointed by him, the date on which the appointment was made and the date, if any, on which the appointment ceased shall be entered, and a separate register in which similar particulars relating to every special agent shall be entered, and every chief agent shall maintain a register in which similar particulars relating to every special agent appointed by him shall be entered."

34. *Substitution of new section for section 44, Act IV of 1938.*—For section 44 of the said Act, the following section shall be substituted, namely :—

"44. *Prohibition of cessation of payments of commission.*—(*1*) Notwithstanding anything to the contrary contained in any contract between any person and an insurance agent providing for the forfeiture or stoppage of payment of renewal commission to such insurance agent, no such person shall, in respect of life insurance business transacted in India, refuse payment to an insurance agent of commission due to him on renewal premium under the agreement by reason only of the termination of his agreement, except for fraud :

Provided that—

(*a*) such agent ceases to act for the insurer concerned after the Central Government has notified in the Official Gazette that it is satisfied that the circumstances in which the said insurer is placed are such as to justify the agent's ceasing to act for him ; or

(*b*) such agent has served the insurer continually and exclusively in respect of life insurance business for at least five years and policies assuring a total sum of not less than fifty thousand rupees effected through him for the insurer were in force on a date one year before his ceasing to act as such agent for the insurer, and that the commission on renewal premiums due to him does not exceed four per cent in any case ; or

(*c*) such agent has served the insurer continually and exclusively for at least ten years and after his ceasing to act as such agent he does not directly or indirectly solicit or procure insurance business for any other person.

Explanation.—For the purposes of this sub-section, service of an insurance agent under a chief agent of the insurer, whether before or after the commencement of the Insurance (Amendment) Act, 1950, shall be deemed to be service under the insurer.

(*2*) Any commission payable to an insurance agent under the provisions of clauses (*b*) and (*c*) of the proviso to sub-section (*1*) shall, notwithstanding the death of the agent, continue to be payable to his heirs for so long as such commission would have been payable had such insurance agent been alive."

35. *Inssertion of new section 44A in Act IV of 1938.*—After section 44 of the said Act and before the heading "Special Provisions of Law", the following section shall be inserted, namely :—

"44A. *Power to call for information.*—For the purposes of ensuring compliance with the provisions of sections 40A, 40B, 40C, 42B and 42C the Controller may by notice—

(*a*) require from an insurer, principal agent, chief agent or special agent such information, certified if so required by an auditor or actuary, as he may consider necessary ;

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(*b*) require an insurer, principal agent, chief agent or special agent to submit, for his examination at the principal place of business of the insurer in the States, any book of account, register or other document, or to supply any statement which may be specified in the notice;

(*c*) examine any officer of an insurer or a principal agent, chief agent or special agent on oath, in relation to any such information, book, register, document or statement and administer the oath accordingly;

and an insurer, principal agent, chief agent or special agent shall comply with any such requirement within such time as may be specified in the notice."

36. *Amendment of section 47, Act IV of 1938.*—In sub-section (*1*) of section 47 of the said Act, the words "before the expiry of nine months from the date of the maturing of the policy or where the circumstances are such that the insurer cannot be immediately aware of such maturing, from the date on which notice of such maturing is given to the insurer" shall be omitted.

37. *Insertion of new section 47A in Act IV of 1938.*—After section 47 of the said Act, the following section shall be inserted, namely:—

"47A. *Claims on small life insurance policies.*—(*1*) In the event of any dispute relating to the settlement of a claim on a policy of life insurance assuring a sum not exceeding two thousand rupees (exclusive of any profit or bonus not being a guaranteed profit or bonus) issued by an insurer in respect of insurance business transacted in India, arising between a claimant under the policy and the insurer who issued the policy or has otherwise assumed liability in respect thereof, the dispute may at the option of the claimant be referred to the Controller for decision, and the Controller may, after giving an opportunity to the parties to be heard and after making such further inquiries as he may think fit, decide the matter.

(*2*) The decision of the Controller under this sub-section shall be final and shall not be called in question in any Court, and may be executed by the Court which would have been competent to decide the dispute if it had not been referred to the Controller as if it were a decree passed by that Court.

(*3*) There shall be charged and collected in respect of the duties of the Controller under this section such fees whether by way of percentage or otherwise as may be prescribed."

38. *Amendment of section 48, Act IV of 1938.*—In section 48 of the said Act,—

(*i*) in sub-section (*1*), after the words "directors of the company" the words "the number to be elected not being less than two in any case" shall be inserted;

(*ii*) for the second proviso to sub-section (*2A*), the following proviso shall be substituted, namely:—

"Provided further that the Controller may exempt any director of a subsidiary company of the insurer from any disqualification imposed by this sub-section.";

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(*iii*) in clause (*a*) of sub-section (*3*), for the words "provisions of this sub-section" the words "provisions of this section" shall be substituted.

39. *Amendment of section 48A, Act IV of 1938.*—In section 48A of the said Act, for the words "no person acting on behalf of an insurer who, for the purpose of life insurance business employs insurance agents", the words "no chief agent or special agent" shall be substituted.

40. *Insertion of new sections 48B and 48C in Act IV of 1938.*—After section 48A of the said Act the following sections shall be inserted, namely :—

"48B. *Further provision regarding directors.*—(*1*) An insurer specified in sub-clause (*b*) of clause (*9*) of section 2 and carrying on life insurance business shall not have a common director with another such insurer.

(*2*) The Central Government may, for such period, to such extent and subject to such conditions as it may specify, exempt from the operation of this section—

(*a*) any insurer, who is a subsidiary company of another insurer, or

(*b*) two or more insurers, for the purpose of facilitating their amalgamation or the transfer of business of one insurer to the other.

48C. *Appointment of additional directors.*—The Central Government may, in the case of an insurer specified in sub-clause (*b*) of clause (*9*) of section 2, appoint for such period and subject to such terms and conditions as it thinks fit, not more than two persons to be directors in addition to the directors already existing and the insurer shall pay to such additional director or directors the same fees and allowances as are payable to the other directors."

41. *Amendment of section 49, Act IV of 1938.*—(*1*) Section 49 of the said Act shall be renumbered as sub-rule (*1*) thereof, and after the proviso to that sub-section, as so renumbered, the following further proviso shall be added namely :—

"Provided further that the share of any such surplus allocated to or reserved for the shareholders (including any amount for the payment of dividends guaranteed to them, whether by way of first charge or otherwise) shall not exceed seven and a half per cent of such surplus."

(*2*) After sub-section (*1*), as so, renumbered, the following sub-section shall be inserted, namely :—

"(*2*) For the purposes of sub-section (*1*), the actual amount of income-tax deducted at source during the period following the date as at which the last preceding valuation was made preceding the date as at which the valuation in question is made be added to such surplus after deducting an estimated amount for income-tax on such surplus, such addition and deduction being shown in paragraph 8(1) of the abstract prepared in accordance with Part II of the Fourth Schedule to this Act."

42. *Insertion of new sections 52A to 52G in Act IV of 1938.*—After section 52 of the said Act, the following heading and sections shall be inserted namely :—

"MANAGEMENT BY ADMINISTRATOR

52A. *When Administrator for management of insurance business may be appointed.*—(*1*) If at any time the Controller has reason to believe that

an insurer carrying on life insurance business is acting in a manner likely to be prejudicial to the interests of holders of life insurance policies, he may, after giving such opportunity to the insurer to be head as he thinks fit make a report thereon to the Central Government.

(2) The Central Government, if it is of opinion after considering the report that it is necessary or proper to do so, may appoint an Administrator to manage the affairs of the insurer under the direction and control of the Controller.

(3) The Administrator shall receive such remuneration as the Central Government may direct and the Cenral Government may at any time cancel the appointment and appoint some other person as Administrator.

(4) The management of the business of the insurer shall as on and after the date of appointment of the Administrator vest in such Administrator, but except with the leave of the Controller the Administrator shall not issue any further policies.

(5) As on and after the date of appointment of the Administrator any person vested with any such management immediately prior to that date shall be divested of that management.

(6) The Controller may issue such directions to the Administrator as to his powers and duties as he deems desirable in the circumstances of the case, and the Administrator may apply to the Controller at any time for instructions as to the manner in which he shall conduct the management of the business of the insurer or in relation to any matter arising in the course of such management.

52B. *Powers and duties of the Administrator.*—(1) The Administrator shall conduct the management of the business of the insurer with the greatest economy compatible with efficiency and shall, as soon as may be possible, file with the Controller a report stating which of the following courses is in the circumstances most advantageous to the general interests of the holders of life insurance policies, namely :—

(a) the transfer of the busniess of the insurer to some other insurer;

(b) the carrying on of its business by the insurer (whether with the policies of the business contained for the original sum insured with the addition of bonuses that attach to the policies or for reduced amounts);

(c) the winding up of the insurer ; or

(d) such other course as he deems advisable.

(2) On the filing of the report with the Controller, the Controller may take such action as he thinks fit for promoting the interests of the holders of life insurance policies in general.

(3) Any order passed by the Controller under sub-section (2) shall be binding on all persons concerned, and shall have effect notwithstanding anything in the memorandum or articles of association of the insurer, if a company.

52C. *Cancellation of contracts and agreements.*—The Administrator may, at any time during the continuance of his appointment with respect to an insurer and after giving an opportunity to the persons concerned to be heard, cancel or vary (either unconditionally or subject to such conditions as he thinks fit to impose) any contract or agreement (other than

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a policy) between the insurer and any other person which the Administrator is satisfied is prejudicial to the interests of holders of life insurance policies.

52D. *Termination of appointment of Administrator.*—If at any time, on a report made by the Controller in this behalf, it appears to the Central Government that the purpose of the order appointing the Administrator has been fulfilled or that for any reason it is undesirable that the order of appointment should remain in force, the Central Government may cancel the order and thereupon the Administrator shall be divested of the management of the insurance business which shall, unless otherwise directed by the Central Government, again vest in the person in whom it was vested immediately prior to the date of appointment of the Administrator.

52E. *Finality of decision appointing Administrator.*—Any order or decision of the Central Government made in pursuance of section 52A or section 52D shall be final and shall not be called in question in any Court.

52F. *Penalty for withholding documents or property from Administrator.*—If any director or officer of the insurer or any other person fails to deliver to the Administrator any books of account, registers or any other documents in his custody relating to the business of the insurer the management of which has vested in the Administrator, or retains any property of such insurer, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

52G. *Protection of action taken under sections 52A to 52D.*—(*1*) No suit, prosecution or other legal proceeding shall lie against an Administrator for anything which is in good faith done or intended to be done in pursuance of sections 52A to 52C inclusive.

(*2*) No suit or other legal proceeding shall lie against the Central Government of the Controller for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under section 52A, section 52B, or section 52D."

43. *Amendment of section 55, Act IV of 1938.*—In section 55 of the said Act, for the words "Sixth Schedule", wherever they occur, the words "Seventh Schedule" shall be substituted.

44. *Amendment of section 64, Act IV of 1938.*—To section 64 of the said Act, the following words shall be added, namely :—

"and shall furnish to the Controller on or before the last day of January in every calendar year a certificate from an auditor to the effect that the said books of account, register and documents are being kept as required at the principal office of the insurer of India."

45. *Insertion of new sections 64A to 64T in Act IV of 1938.*—After section 64 and before Part III, the following Part and sections shall be inserted, namely :—

"PART IIA

Insurance Association of India, Councils of the Association and Committees thereof

64A. *Incorporation of the Insurance Association of India.*—(*1*) All insurers carrying on insurance business in the State at the commencement

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of the Insurance (Amendment) Act, 1950, all insurers who may after such commencement being to carry on insurance business in the States, and, if the Central Government, by notification in the Official Gazette, so declares all provident societies carrying on insurance business in the States on the date of such notification and all provident societies which may begin to carry on insurance business in the State after such date are hereby constituted a body corporate by the name of the Insurance Association of India.

(*2*) All insurers and provident societies incorporated or domiciled in the State shall be known as members of the Insurance Association of India, and all insurers and provident societies incorporated or domiciled elsewhere than in the States shall be known as associate members of that Association.

(*3*) The Insurance Association of India shall have perpetual succession and a common seal and shall have power to acquire, hold and dispose of all property, both movable and immovable, and shall by the said name sue and be sued.

64B. *Entry of names of members in the register.*—(*1*) The Controller shall take or cause to be taken through such agency as he thinks fit such steps as may be necessary to have the names of all insurers and provident societies, who or which are entitled to have their names entered in the registers of members and associate members of the Insurance Association of India maintained for this purpose entered therein.

(*2*) Where any insurer or provident society has ceased to carry on business as such, the Controller shall cause such steps to be taken as may be necessary to have the name of such insurer or provident society, as the case may be, removed from the register.

64C. *Councils of the Insurance Association of India.*—There shall be two Councils of the Insurance Association of India, namely :—

(*a*) the Life Insurance Council consisting of all the members and associate members of the Association who carry on life insurance business in the States, and

(*b*) the General Insurance Council consisting of all the members and associate members of the Association who carry on general insurance business in the States.

64D. *Authority of members of Association to act through agents.*—It shall be lawful for any members of the Life Insurance Council or the General Insurance Council to authorise any individual, whether an office of the insurer or not, to act as the representative of such member at any meeting of the Council concerned or to stand as a candidate for any election held by that Council.

64E. *Authorities of the Life Insurance Council and the General Insurance Council.*—The authorities of the Life Insurance Council and the General Insurance Council shall be the Executive Committees, the Tariff Committee and the other Committees thereof constituted in the manner provided in this Part.

64F. *Executive Committees of the Life Insurance Council and the General Insurance Council.*—(*1*) The Executive Committee of the Life Insurance Council shall consist of the following persons, namely :—

(*a*) two officials nominated by the Central Government, one as the Chairman and the other as a member;

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(*b*) eight representatives of members of the Insurance Association of India carrying on life insurance business elected in their individual capacity by the said members in such manner, from such groups of members from such areas as may be specified by the Central Government;

(*c*) one non-official not connected with any insurance business, nominated by the Central Government; and

(*d*) five persons connected with life insurance business, nominated by the Central Government for the purpose of representing such groups of insurers carrying on life insurance business or such areas as have not been able to secure adequate representation on the Executive Committee of the Life Insurance Council or for any other purpose.

(*2*) The Executive Committee of the General Insurance Council shall consist of the following persons, namely:—

(*a*) two officials nominated by the Central Government, one as the Chairman and the other as a member;

(*b*) eight representatives of members of the Insurance Association of India carrying on general insurance business elected in their individual capacity by the said members in such manner, from such groups and from such areas as may be specified by the Central Government;

(*c*) one non-official not connected with any insurance business, nominated by the Central Government; and

(*d*) five persons connected with general insurance business, nominated by the Central Government for the purpose of representing such groups of insurers carrying on general insurance business or such areas as have not been able to secure adequate representation on the Executive Committee of the General Insurance Council or for any other purpose.

(*3*) If any body of persons specified in sub-sections (*1*) and (*2*) fails to elect any of the members of the Executive Committees of the Life Insurance Council or the General Insurance Council, the Central Government may nominate any person to fill the vacancy, and any person so nominated shall be deemed to be a member of the Executive Committee of the Life Insurance Council or the General Insurance Council, as the case may be, as if he had been duly elected thereto.

(*4*) No official nominated by the Central Government shall be entitled, whether as chairman or as a member, to vote in respect of any matter coming up before any meeting of the Executive Committee of the Life Insurance Council or the Executive Committee of the General Insurance Council, as the case may be, and subject thereto each of the said Executive Committee may, with the approval of the Central Government, make bye-laws for the transaction of any business at any meeting of the said Committee, and any such bye-law may provide that any member of the Committee who is interested in any matter for the time being before that Committee may not be present at or take part in any meeting thereof.

(*5*) The Life Insurance Council or the General Insurance Council may form such other committees consisting of such persons as it may think fit to discharge such functions as may be delegated thereto:

Provided that any action taken by any of the said Councils under this sub-section shall be with the previous consent of the Central Government,

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and nothing in this sub-section shall derogate from any of the powers vested in the Executive Committees.

(6) The Secretary of the Executive Committee of the Life Insurance Council and of the Executive Committee of the General Insurance Council shall in each case be an official nominated by the Central Government.

64G. *Resignation and filling up of casual vacancies.*—(1) Any member of the Executive Committee of the Life Insurance Council or of the General Insurance Council may resign his membership of the Committee by notice in writing addressed to the Chairman of the Committee to that effect.

(2) Casual vacancies in the Executive Committee of the Life Insurance Council or of the General Insurance Council, whether caused by resignation, death or otherwise, shall be filled by nomination by the Central Government, and any person so nominated to fill the vacancy shall hold office until the dissolution of the Committee to which he has been nominated.

(3) No act of the Executive Committee of the Life Insurance Council or of the General Insurance Council shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Committee concerned.

64H. *Duration and dissolution of Executive Committees.*—(1) The duration of the Executive Committee of the Life Insurance Council or the General Insurance Council shall be three years from the date of its first meeting on the expiry of which it shall stand dissolved and a new Executive Committee constituted.

(2) Notwithstanding the dissolution of the Executive Committee of the Life Insurance Council or the General Insurance Council, the outgoing members thereof shall continue to hold office and discharge such administrative and other duties as may be prescribed until such time as a new Executive Committee of the Life Insurance Council or the General Insurance Council, as the case may be, shall have been constituted.

64I. *Power of Executive Committee of Life Insurance Council to hold examinations for insurance agents.*—The Life Insurance Council may, with the approval of the Central Government authorise its Executive Committee to hold examinations for individuals wishing to qualify themselves as insurance agents for the purpose of procuring life insurance business, and, if the Central Government, by notification in the Official Gazette, so declares, then, notwithstanding anything contained in section 42, only individuals who have passed any such examination shall be eligible to apply for a licence under section 42:

Provided that nothing in this sub-section shall affect the right of any individual, who has been licensed to act as an insurance agent under section 42 before the date of such notification, to act as such, or to have his licence renewed from time to time.

64J. *Functions of Executive Committee of Life Insurance Council.*—(1) The functions of the Executive Committee of the Life Insurance Council shall be—

(a) to aid, advise and assist insurers carrying on life insurance business in the matter of setting up standards of conduct and sound practice and in the matter of rendering efficient service to holders of life insurance policies;

(*b*) to render advice to the Controller in the matter of controlling the expenses of insurers in respect of their life insurance business in India;

(*c*) to bring to the notice of the Controller the case of any insurer acting in a manner prejudicial to the interests of holders of life insurance policies;

(*d*) to act in any matter incidental or ancillary to any of the matters specified in clauses (*a*) to (*c*) as, with the approval of the Central Government, may be notified by the Life Insurance Council in the *Gazette of India*.

(*2*) For the purpose of enabling it effectively to discharge its functions, the Executive Committee of the Life Insurance Council may collect such sums of money, whether by way of fees or otherwise, as may be prescribed from all members and associate members of the Insurance Association of India who carry on life insurance business.

64K. *Executive Committee of Life Insurance Council may advise in controlling expenses.*—(*1*) It shall be the duty of the Executive Committee of the Life Insurance Council to meet at least once before the 31st day of March every year to advise the Controller in fixing under the proviso to sub-section (*2*) of section 40B the limits by which the actual expenses incurred by an insurer carrying on life insurance business in respect of such business in the preceding year may exceed the limits prescribed under that sub-section, and in fixing any such limits the Controller shall have due regard to the conditions obtaining in life insurance business generally during that year, and he may fix different limits for different groups of insurers.

(*2*) Where an insurer is guilty of contravening the provisions of section 40B with respect to the expenses of management, the Controller may, after giving the insurer an opportunity of being heard, administer a warning to the insurer.

(*3*) Where within a period of seven years two warnings have been given to an insurer under sub-section (*2*) and they have been disregarded by him, the Controller may cause an investigation and valuation, as at such date as the Controller may specify, to be made at the expense of the insurer by an actuary appointed by the insurer for this purpose and approved by the Controller, and the insurer shall place at the disposal of the said actuary all the materials required by him for the purpose of such investigation and valuation, within such period, not being less than three months, as the Controller may specify.

(*4*) The provisions of sub-sections (*1*) and (*4*) of section 13 and of sub-sections (*1*) and (*2*) of section 15, or, as the case may be, of sub-section (*2*) of section 16 shall apply in relation to an investigation and valuation under this section:

Provided that the abstract and statement prepared as the result of such investigation and valuation shall be furnished by such date as the Controller may specify.

(*5*) There shall be appended to every such abstract a statement signed by the actuary giving such information as may be prescribed.

(*6*) On receipt of the abstract and statement furnished in accordance with sub-section (*4*), the Controller may take such action as may be prescribed.

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64L. *Functions of Executive Committee of General Insurance Council.*—(*1*) The functions of the Executive Committee of the General Insurance Council shall be—

(*a*) to aid and advise insurers, carrying on general insurance business, in the matter of setting up standards of conduct and sound practice and in the matter of rendering efficient service to holders of policies of general insurance;

(*b*) to render advice to the Controller in the matter of controlling the expenses of such insurers carrying on business in India in the matter of commission and other expenses;

(*c*) to bring to the notice of the Controller the case of any such insurer acting in a manner prejudicial to the interests of holders of general insurance policies;

(*d*) to act in any matter incidental or ancillary to any of the matters specified in clauses (*a*) to (*c*) as with the approval of the Central Government may be notified by the General Insurance Council in the *Gazette of India*.

(*2*) For the purpose of enabling it effectively to discharge its functions, the Executive Committee of the General Insurance Council may collect such fees as may be prescribed from all insurers carrying on general insurance business.

64M. *Executive Committee of General Insurance Council may advise in controlling expenses.*—(*1*) It shall be the duty of the Executive Committee of the General Insurance Council to meet at least once before the 31st day of March every year to advise the Controller in fixing under the proviso to sub-section (*1*) of section 40C the limits by which the actual expenses of management incurred by an insurer carrying on general insurance business in respect of such business in the preceding year may exceed the limits prescribed under that sub-section, and in fixing any such limits the Controller shall have due regard to the conditions obtaining in general insurance business in the preceding year, and he may fix different limits for different groups of insurers.

(*2*) Where an insurer is guilty of contravening the provisions of section 40C with respect to the expenses of management the Controller may, after giving the insurer an opportunity of being heard, administer a warning to the insurer.

(*3*) Where in any case two warnings given to an insurer under sub-section (*2*) have been disregarded by him, the Controller may take such action against the insurer as may be prescribed.

64N. *Power of the Executive Committees to act together in certain cases.*—The Central Government may prescribe the circumstances in which, the manner in which, and the conditions subject to which, the Executive Committee of the Life Insurance Council and the Executive Committee of the General Insurance Council may hold joint meetings for the purpose of dealing with any matter of common interest to both Committees, and it shall be lawful for the two Committees at any such joint meeting to delegate any matter under consideration for the determination of a sub-committee appointed for this purpose from amongst the members of the two Committees.

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64O. *Power of General Insurance Council to regulate rates of insurance, etc.*—(*1*) The General Insurance Council may, by regulations made in this behalf and approved by the Central Government, control and regulate the rates, advantages, terms and conditions that may be offered by its members and associate members in respect of general insurance business, and all such regulations shall be binding on all its members.

(*2*) Any regulations made under sub-section (*1*) may delegate to a Tariff Committee, appointed for such period and consisting of such persons as may be specified in such regulations, any power of control and regulation vested in the General Insurance Council.

(*3*) Where an insurer is guilty of contravening any regulation made under sub-section (*1*) by which he is bound, the Tariff Committee, if any, appointed under sub-section (*2*) may take such disciplinary action against him as may be prescribed.

(*4*) The Central Government may prescribe the cases in which an appeal shall lie in respect of any action taken under sub-section (*3*), and any such appeal shall be preferred to the Central Government within thirty days of the date on which such action was taken.

(*5*) The General Insurance Council shall meet at least once a year to review the work done by the Tariff Committee appointed under sub-section (*2*).

(*6*) For the purpose of enabling the Tariff Committee to effectively discharge its functions under this section, the General Insurance Council may, by regulations made in this behalf and approved by the Central Government, fix the amount of fees payable by insurers carrying on general insurance business, and the Tariff Committee appointed under sub-section (*2*) may collect such fees either directly or through Regional Councils constituted as hereinafter provided.

Explanation.—For the purposes of section 64O, section 64P and section 64Q, the Central Government may, by notification in the Official Gazette, specify that any insurer or class of insurers, shall not be deemed to be included amongst insurers carrying on general insurance business, and any insurer so specified shall not take part in any meeting of the General Insurance Council in which any discussion of any matter dealt with in the said sections takes place.

64P. *Regional Councils.*—(*1*) The General Insurance Council may constitute such Regional Councils as and when it deems fit for one or more of the prescribed regions.

(*2*) Each Regional Council shall consist of seven persons elected by such groups of insurers carrying on general insurance business in the region as may be prescribed.

64Q. *Functions of the Regional Councils.*—(*1*) The Regional Councils shall perform such functions as may be delegated to them by the General Insurance Council.

(*2*) For the purpose of enabling it effectively to discharge its duties, any Regional Council may in the prescribed manner constitute such Committees thereof as it may think fit, whether consisting of members of the Regional Council or otherwise.

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(3) Where in the exercise of any functions delegated to it under this section, any Regional Council or any Committee thereof restrains a principal agent or an insurance agent from procuring or causing to be procured general insurance business from any area, any such principal agent or insurance agent may appeal to the Central Government within such time as may be prescribed and the Central Government may pass such orders thereon as it thinks fit.

64R. *General powers of Life Insurance Council and General Insurance Council.*—(1) For the efficient performance of its duties, the Life Insurance Council or the General Insurance Council, as the case may be, may—

(a) appoint such officers and servants as may be necessary and fix the conditions of their service;

(b) determine the manner in which any prescribed fee may be collected;

(c) keep and maintain up to date a copy of the list of all insurers who are members or associate members of the Insurance Association of India;

(d) with the previous approval of the Central Government, make regulations for—

(i) the holding of elections other than the first elections;

(ii) the summoning and holding of meetings, the conduct of business thereat and the number of persons necessary to form a quorum;

(iii) the submission by insurers to the Executive Committee of the Life Insurance Council or the General Insurance Council of such statements or information as may be required of them and the submission of copies thereof by the insurers to the Controller;

(iv) the levy and collection of any fees;

(v) the regulation of any other matter which may be necessary for the purpose of enabling it to carry out its duties under this Act.

(2) The Life Insurance Council or the General Insurance Council may authorise the Executive Committee concerned or the Tariff Committee appointed under section 64O to exercise any of the powers conferred on the Life Insurance Council or the General Insurance Council, as the case may be, under clause (a), clause (b) or clause (c) of sub-section (1).

64S. *Power of Central Government to remove difficulties.*—The Central Government may exercise such powers as may be necessary for bringing the Life Insurance Council, the General Insurance Council or the Executive Committee of any of the said Councils, as the case may be, into effective existence for the purposes of this Part, and any such powers shall include—

(a) the power to hold, in such manner as may be directed by the Central Government, the first elections to the Executive Committees of the Life Insurance Council and the General Insurance Council;

(b) where a notification under sub-section (1) of section 64A has been issued declaring provident societies to be members of the Insurance Association of India, the power to associate provident societies

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effectively in the exercise of all powers and the discharge of all functions of the Life Insurance Council and the Executive Committee thereof;

(c) the power to make the provisions of section 40B applicable to the provident societies specified in clause (b) in the same manner as they apply to insurers.

64T. *Power to exempt.*—The Central Government may, subject to such conditions and restrictions as it may think fit to impose, exempt any insurer specified in sub-clause (c) of clause (9) of section 2 from the operation of all or any of the provisions of this Part."

46. *Amendment of section 65, Act IV of 1938.*—In sub-section (1) of section 65 of the said Act, for the words "nine hundred" the words "one thousand" shall be substituted.

47. *Insertion of new section 65A in Act IV of 1938.*—After section 65 of the said Act, the following section shall be inserted, namely:—

"65A. *Prohibition of transaction of insurance business by provident societies other than public companies or co-operative societies.*—No person shall, after the commencement of the Insurance (Amendment) Act, 1950, begin to carry on in the States any business specified in sub-section (1) of section 65, and no provident society carrying on any such business in the States shall, after the expiry of one year from such commencement, continue to carry on any such business, unless he or it is—

(a) a public company, or

(b) a society registered under the Co-operative Societies Act, 1912 (II of 1912) or under any other law for the time being in force in any State relating to co-operative societies, or

(c) a body corporate incorporated under the law of any country outside the States not being of the nature of a private company."

48. *Omission of section 68, Act IV of 1938.*—Section 68 of the said Act shall be omitted.

49. *Amendment of section 70, Act IV of 1938.*—In section 70 of the said Act,—

(1) in sub-section (3), for the figures "67" the figures and letter "65A, 67" shall be substituted;

(2) in sub-section (4),—

(i) at the end of sub-clause (ii) of clause (a), the word "or" shall be inserted;

(ii) clause (b) shall be omitted; and

(iii) after clause (a) of the second proviso, the following clause shall be inserted, namely:—

"(aa) cancel the registration of a provident society if any deposit required by section 73, has not been made, or".

50. *Amendment of section 71, Act IV of 1938.*—In section 71 of the said Act,—

(i) for the words, figures and letter "sections 20, 32, 46 and 53A" the words, figures, brackets and letters "sub-sections (2) and (3) of section 10,

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section 20, sub-section (*1*) of section 27, sections 27A, 28, 29, 31A, 31B, 32, 46 and 53A" shall be substituted;

(*ii*) after the words "members of a provident society" the words and figures "and references to section 7 or section 98 shall be construed as references to section 73" shall be inserted.

51. *Amendment of section 82, Act IV of 1938.*—To sub-section (*2*) of section 82 of the said Act, the following proviso shall be added, namely:—

"Provided that the Central Government may in any case extend the time allowed by this sub-section for the furnishing of such return by a period not exceeding three months."

52. *Amendment of section 85, Act IV of 1938.*—In section 85 of the said Act, sub-section (*1*) shall be omitted.

53. *Amendment of section 91, Act IV of 1938.*—In sub-section (*1*) of section 91 of the said Act,—

(*i*) the word "and" at the end of clause (*f*) shall be omitted; and

(*ii*) after clause (*g*) the following clause shall be inserted, namely:—

"(*h*) to sell the immovable and movable property of the society by public auction or private contract, with power to transfer the whole thereof to any person or society or to sell the same in parcels."

54. *Amendment of section 92, Act IV of 1938.*—In section 92 of the said Act,—

(*1*) in sub-section (*4*),—

(*i*) for the words "the Superintendent of Insurance shall appoint a suitable person", the words "the Controller may, if he thinks fit, appoint a suitable person" shall be substituted; and

(*ii*) for the words "and if so desired, shall also appoint a committee of inspection", the words "and if he considers it desirable, may also appoint a committee of inspection" shall be substituted;

(*2*) in sub-section (*11*), after the words "forwarded by the liquidator" the words "within one week after the meeting" shall be inserted.

55. *Amendment of section 94, Act IV of 1938.*—In section 94 of the said Act, sub-section (*2*) shall be omitted.

56. *Amendment of section 98A, Act IV of 1938.*—In section 98A of the said Act, the words, figures and brackets "so however that in such application the references in the second proviso to sub-section (*1*) of the said section to the commencement of this Act shall be construed as references to the commencement of the Insurance (Amendment) Act, 1946" shall be omitted.

57. *Amendment of section 100, Act IV of 1938.*—In section 100 of the said Act, for the words "publish such notices or documents" the words "publish such notice together with a summary in the prescribed form of the balance-sheet and revenue account" shall be substituted.

58. *Amendment of section 102, Act IV of 1938.*—In section 102 of the said Act,—

(*i*) for sub-section (*1*), the following shall be substituted, namely:—

"(*1*) Except as otherwise provided in this Act, any insurer, principal agent, chief agent, or special agent, who makes default in complying

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with, or acts in contravention of, any requirement of this Act, or of any rule or order made thereunder and, where the insurer is a company, any director, managing agent, manager or other officer of the company, or where the insurer is a firm, any partner of the firm who is knowingly a party to the default or contravention, shall be punishable with fine which may extend to one thousand rupees, and in the case of a continuing default or contravention with an additional fine which may extend to five hundred rupees for every day during which the default or contravention continues.";

(*ii*) in sub-section (*2*), for the words "any of the requirements of this Act" the words "any requirement of this Act or of any rule or order made thereunder" shall be substituted.

59. *Insertion of new section 110C in Act IV of 1938.*—After section 110B of the said Act, the following section shall be inserted, namely :—

"110C. *Power to call for information.*—(*1*) The Controller may, by notice in writing, require any insurer to supply him with any information relating to his insurance business, and the insurer shall comply with such requirement within such period after receipt of the notice as may be specified therein.

(*2*) Any information supplied under this section shall be certified by a principal officer of the insurer and if the notice so requires also by an auditor."

60. *Amendment of section 116, Act IV of 1938.*—In sub-section (*1*) of section 116 of the said Act,—

(*i*) for the words "a Part B State" the words "any country or State outside the States" shall be substituted ; and

(*ii*) the proviso shall be omitted.

61. *Amendment of section 116A, Act IV of 1938.*—To the proviso to section 116A of the said Act, after the words and figures "of section 28", the words, figures, brackets and letters "or section 28A, or the statements referred to in sub-section (*2*) of section 31B or section 40B" shall be added.

62. *Amendment of section 118, Act IV of 1938.*—In section 118 of the said Act—

(*i*) for the words "by the Central or by a State Government", the words "by the Central Government" shall be substituted ;

(*ii*) at the end of clause (*b*), the word "or" shall be inserted and after that clause, the following shall be added, namely :—

"(*c*) any approved superannuation fund as defined in clause (*a*) of section 58N of the Indian Income-tax Act, 1922 (XI of 1922), or, if the Central Government so orders in any case, and to such extent or subject to such conditions or modifications as are specified in such order, to any insurance business carried on by a State Government or to any insurance company more than fifty-one per cent, of whose shares is held by a State Government."

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63. *Amendment of the First Schedule, Act IV of 1938.*—In the First Schedule to the said Act,—

(*i*) in Part I, in clause (*c*) of regulation 7, for the words "a certificate signed by" and the words "parts of the assets", the words "where the balance sheet relates either wholly or in part to life insurance business, a certificate signed by" and the words "part of the assets" shall respectively be substituted;

(*ii*) in Form A, in the first column, for the item "Life Insurance Fund" the following shall be substituted, namely:—

"Life Insurance Fund—

(*i*) Business in India.

(*ii*) Business outside India."

64. *Amendment of the Third Schedule, Act IV of 1938.*—In the Third Schedule to the said Act,—

(*1*) in Part I, after regulation 7, the following regulation shall be inserted, namely:—

"7A. In addition to the revenue account, information shall also be supplied of the gross claims payable directly by the insurer in India (that is to say, the claims without taking into account claims on reinsurance ceded or accepted) separately for fire, marine and miscellaneous insurance business and the provisions of sections 20 and 116A shall not apply to any information so supplied.";

(*2*) in Part II, in Form F,—

(*a*) in the first column, for the item "Commission" the following items shall be substituted, namely:—

"Commission on direct Business.....

Commission on Reinsurances accepted.";

(*b*) in the third column, before the item "Other Income (to be specified)", the following item shall be inserted, namely:—

"Commission on Reinsurances ceded....."

65. *Insertion of new Schedule in Act IV of 1938.*—In the said Act, the "Sixth Schedule" shall be renumbered as the "Seventh Schedule", and before that Schedule as so renumbered, the following Schedule shall be inserted, namely:—

"THE SIXTH SCHEDULE

PART A

[*See* section 42B(*1*)]

Terms deemed to be included in every contract between an insurer carrying on general insurance business and a principal agent

1. All payments of commission to insurance agents shall be made by the principal agent on behalf of the insurer.

2. The principal agent shall procure or cause to be procured through insurance agents such an amount of general insurance business of any class for the procurement of which he has been appointed, as will yield a gross premium income of not less than twenty thousand rupees in each calendar year.

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3. In the event of the principal agent failing in any calendar year to comply with the requirements of clause 2, he shall forfeit to the insurer—

(*i*) one-quarter of the total remuneration payable to him by the insurer for that year, if the class of business for the procurement of which he has been appointed is fire or miscellaneous insurance business, or

(*ii*) one-third of the total remuneration payable to him by the insurer for that year, if the class of business for the procurement of which he has been appointed is marine insurance business.

4. In the event of the principal agent failing to comply with the requirements of clause 2 in any two successive calendar years, the contract shall, without prejudice to the provisions of clause 3, terminate on the 31st day of March immediately following the second calendar year.

5. Except in cases where the business relates to any property under his immediate control, a principal agent shall not by himself procure any class of general insurance business without utilising the services of an insurance agent.

PART B

[*See* section 42C (*1*)]

Terms deemed to be included in every contract between an insurer carrying on life insurance business and a chief agent

1. All payments of commission to insurance agents shall be made by the insurer direct or by the chief agent, who may make the payment either directly or through a special agent on behalf of the insurer.

2. The chief agent shall employ or cause to be employed for and on behalf of the insurer either directly or through special agents at least six insurance agents in cases where the business in force of the insurer is less than one crore of rupees and in any other case at least twelve agents each of whom will procure in each calendar year new business amounting to not less than ten thousand rupees.

3. Save as provided in respect of cases specified in clause 7 of this Part, the remuneration payable to the chief agent in respect of life insurance business effected through him for the insurer shall only be in the form of an overriding commission.

4. In the event of the chief agent failing in two successive calendar years to comply with the requirements of clause 2, he shall forfeit to the insurer one-half of the total remuneration payable to him by the insurer for those years.

5. In the event of the chief agent failing to comply with the requirements of clause 2 in four successive calendar years, the contract shall, without prejudice to the provisions of clause 4, terminate on the 31st day of March immediately following the last of such calendar years.

6. Not more than one intermediary to be remunerated by the insurer concerned, whether on a salary basis or by way of commission, shall be employed between the chief agent and any insurance agent, but the chief agent may employ as many persons as he thinks fit on a salary basis, provided such salaries are paid out of his overriding commission.

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7. In cases where the commission payable on a policy of life insurance effected through an insurance agent working under a chief agent is stopped on or after the 1st day of January, 1949 and not paid to the insurance agent an amount not exceeding one-quarter of such commission payable to the insurance agent concerned shall also be payable to the chief agent, if he continues to render service in connection with that policy and if such commission is otherwise payable to him.

PART C

[*See* section 42C (*4*)]

Terms deemed to be included in every contract between an insurer carrying on life insurance business and a special agent or between a chief agent and a special agent.

1. All payments of commission to insurance agents shall be made by the insurer direct or, on behalf of the insurer, either by the chief agent under whom the special agent is working or by the special agent.

2. The special agent shall employ at least two insurance agents and shall rupees assured on which at least the first year's premium have been paid in in each calendar year new business amounting to not less than fifty thousand rupees assured on which at least the first year's premiums have been paid in full.

3. In the event of the special agent failing in any calendar year to comply with the requirements of clause 2, he shall forfeit to the insurer fifty per cent. of the total remuneration payable to him by the insurer, or, as the case may be, by the chief agent, for that year.

4. In the event of the special agent failing to comply with the requirements of clause 2 in two successive calendar years, the contract shall, without prejudice to the provisions of clause 3 of this Part terminate on the 31st day of March immediately following the second calendar year.

5. In the event of the special agent procuring life insurance business without utilising the services of an insurance agent, the special agent shall be entitled only to the commission that is ordinarily payable in respect of business so procured to an insurance agent.

6. The remuneration payable to the special agent in respect of policies of life insurance procured by him through insurance agents shall only be in the form of an overriding commission.

Explanation.—In this Schedule "business in force" means the total sum assured with bonuses, without taking into account reinsurances, ceded or accepted, by an insurer in respect of the whole of the life insurance business on the last working day of the calendar year or the period covered by the revenue account furnished by such insurer under clause (*b*) of sub-section (*2*) of section 16, as the case may be, preceding the calendar year in question."

66. *Repeals and savings.*—(*1*) The Insurance (Amendment) Ordinance, 1950 (VI of 1950), is hereby repealed.

(*2*) If immediately before the commencement of the Insurance (Amendment) Act, 1950, there is in force in any Part B State to which the Insurance Act, 1938 (IV of 1938), now extends any law corresponding to that Act, that law also shall stand repealed.

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(3) Notwithstanding the repeal by this Act of the Insurance (Amendment) Ordinance, 1950, or of any law corresponding to the Insurance Act, 1938 (IV of 1938), in force in any Part B State, anything done or any action taken in the exercise of any power conferred by that Ordinance or law shall be deemed to have been done or taken in the exercise of the powers conferred by this Act, and any penalty incurred or proceeding commenced under that Ordinance or law shall be deemed to be a penalty incurred or proceeding commenced under the Insurance Act, 1938, as if that Act, as now amended, were in force on the day on which such thing was done, action taken, penalty incurred or proceeding commenced.

K. V. K. SUNDARAM, *Secy.*

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PART IV

Section—1-B.

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 585—Legis. 2-50-17, Dated, Bangalore, the 27th May 1950.

Ordered that the accompanying Air Force Act, 1950 (XLV of 1950) published in the *Gazette of India* dated the 20th May 1950, be re-published in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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Received the assent on 18th May 1950.

THE AIR FORCE ACT, 1950 (XLV OF 1950).

AN ACT

to consolidate and amend the law relating to the government of the Air Force.

BE it enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY.

1. *Short title and commencement.*—(1) This Act may be called the Air Force Act, 1950.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint in this behalf.

2. *Persons subject to this Act.*—The following persons shall be subject to this Act wherever they may be, namely :—

(*a*) officers and warrant officers of the Air Force;

(*b*) persons enrolled under this Act;

(*c*) persons belonging to the Indian Air Force Volunteer Reserve in the circumstances specified in section 3 of the Indian Air Force Volunteer Reserve (Discipline) Act, 1939 (XXXVI of 1939);

(*d*) persons not otherwise subject to air force law, who, on active service, in camp, on the march, or at any frontier post specified by the Central Government by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of the Air Force.

3. *Termination of application of the Act.*—Every person subject to this Act under clauses (*a*) to (*c*) of section 2 shall remain so subject until duly retired, discharged, released, removed, dismissed or cashiered from the service.

4. *Definitions.*—In this Act, unless the context otherwise requires,—

(*i*) "active service", as applied to a person subject to this Act, means the time during which such person—

(*a*) is attached to, or forms part of a force which is engaged in operations against an enemy, or

(*b*) is engaged in air force operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or

(*c*) is attached to, or forms part of, a force which is in military occupation of any foreign country;

(*ii*) "aircraft" includes aeroplanes, balloons, kite balloons, airships, gliders or other machines for flying;

(*iii*) "aircraft material" includes any engines, fittings, guns, gear, instruments or apparatus for use in connection with aircraft, and any of its components and accessories and petrol oil, and any other substance used for providing motive power for planes;

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(*iv*) "Air Force" means officers and airmen who by their commission, warrant, terms of enrolment or otherwise, are liable to render continuously for a term air force service to the Union in every part of the world or any specified part of the world including persons belonging to the Indian Air Force Volunteer Reserve when called out on permanent service;

(*v*) "air force custody" means the arrest or confinement of a person according to the usages of the service and includes military or naval custody;

(*vi*) "air force law" means the law enacted by this Act and the rules made thereunder and includes the usages of the service;

(*vii*) "air force reward" includes any gratuity or annuity for long service or good conduct, badge pay or pension, and any other air force pecuniary reward;

(*viii*) "airman" means any person subject to this Act other than an officer;

(*ix*) "air officer" means any officer of the Air Force above the rank of group captain;

(*x*) "air signal" means any signal intended for the guidance of aircraft, whether given by flag, ground signal, light, wind indicator or in any manner whatsoever:

(*xi*) "Chief Legal Adviser" means a person appointed as such by the Commander-in-Chief to give advice on matters relating to air force law and to perform such other duties of a legal character as may arise in connection therewith;

(*xii*) "civil offence" means an offence which is triable by a criminal court;

(*xiii*) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894 (IX of 1894), or under any other law for the time being in force;

(*xiv*) "Commander-in-Chief" means the officer commanding-in-chief the Air Force;

(*xv*) "commanding officer" used in relation to a person subject to this Act, means the officer for the time being in command of the unit of detachment to which such person belongs or is attached;

(*xvi*) "court-martial" means a court-martial held under this Act;

(*xvii*) "criminal court" means a court of ordinary criminal justice in any part of India, other than the State of Jammu and Kashmir;

(*xviii*) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to air force law to act;

(*xix*) "the Forces" means the regular Army, Navy and Air Force or any part of any one or more of them;

(*xx*) "non-commissioned officer" means a person holding a non-commissioned rank or an acting non-commissioned rank in the Air Force, and includes any person holding a non-commissioned rank or an acting non-commissioned rank in the Indian Air Force Volunteer Reserve when subject to this Act;

(*xxi*) "notification" means a notification published in the Official Gazette;

(*xxii*) "offence" means any act or omission punishable under this Act, and includes a civil offence, as hereinbefore defined;

(*xxiii*) "officer" means a person commissioned, gazetted or in pay as an officer in the Air Force, and includes—

(*a*) an officer of the Indian Air Force Volunteer Reserve who is for the time being subject to this Act;

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(*b*) in relation to a person subject to this Act when serving under such conditions as may be prescribed, an officer of the regular Army or the Navy;

but does not include a junior commissioned officer, warrant officer, petty officer or non-commissioned officer;

(*xxiv*) "prescribed" means prescribed by rules made under this Act;

(*xxv*) "provost-marshal" means a person appointed as such under section 108 and includes any of his deputies or assistants or any other person legally exercising authority under him or on his behalf;

(*xxvi*) "regulation' includes a regulation made under this Act;

(*xxvii*) "superior officer", when used in relation to a person subject to this Act, includes a warrant officer and a non-commissioned officer, and as regards persons serving under such conditions as may be prescribed, an officer, junior commissioned officer, warrant officer, petty officer and non-commissioned officer of the regular Army or the Navy;

(*xxviii*) "unit" includes—

(*a*) any body of officers and airmen for which a separate authorised establishment exists;

(*b*) any separate body of persons subject to this Act employed or any service and not attached to a unit as aforesaid;

(*c*) any other separate body of persons composed wholly or partly of persons subject to this Act, and specified as a unit by the Central Government;

(*xxix*) "warrant officer" means a person appointed, gazetted or in pay as a warrant officer of the Air force and includes an acting warrant officer, a master warrant officer, and a warrant officer of the Indian Air Force Volunteer Reserve who is for the time being subject to this Act;

(*xxx*) all words and expressions used herein and defined in the Indian Penal Code (Act XLV of 1860) and not hereinbefore defined, shall be deemed to have the meanings respectively assigned to them by that Code.

CHAPTER II.

Special Provisions for the application of Act in certain cases

5. *Application of Act to certain forces under the Central Government.*—(1) The Central Government may, by notification, apply, with or without modifications, all or any of the provisions of this Act to any force raised and maintained in India and suspend the operation of any other enactment for the time being applicable to the said force.

(2) The provisions of this Act so applied shall have effect in respect of persons belonging to the said force as they have effect in respect of persons subject to this Act holding in the Air Force the same or equivalent rank as the aforesaid persons hold for the time being in the said force.

(3) The provisions of this Act so applied shall also have effect in respect of persons who are employed by, or are in the service of, or are followers of, or accompany any portion of the said force as they have effect in respect of persons subject to this Act under clause (*d*) of section 2.

(4) While any of the provisions of this Act apply to the said force, the Central Government may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of these provisions shall be exercised or performed in respect of the said force.

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6. *Special provision as to rank in certain cases.*—(1) The Central Government may, by notification, direct that any persons or class of persons subject to this Act under clause (*d*) of section 2, shall be so subject as officers, warrant officers or non-commissioned officers, and may authorise any officer to give a like direction and to cancel such direction.

(2) All persons subject to this Act other than officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (1) is in force, be deemed to be of a rank inferior to that of a non-commissioned officer.

7. *Commanding officer of persons subject to air force law under clause (d) of section 2.*—(1) Every person subject to this Act, under clause (*d*) of section 2, shall, for the purposes of this Act, be deemed to be under the commanding officer of the unit, or detachment, if any, to which he is attached, and if he is not so attached under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force.

(2) An officer commanding a force shall not place a person subject to this Act under clause (*d*) of section 2 under the command of an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whose command he can be placed.

8. *Officers exercising powers in certain cases.*—(1) Whenever persons subject to this Act are serving under an officer commanding any air force formation not in this section specifically named, and being in the opinion of the Central Government, not less than a squadron, the said Government may prescribe the officer by whom the powers which, under this Act, may be exercised by air officers in charge of commands, and officers commanding groups, wings and squadrons shall, as regards such persons, be exercised.

(2) The Central Government may confer such powers either absolutely or subject to such restrictions, reservations, exceptions and conditions as it may think fit.

9. *Power to declare persons to be on active service.*—Notwithstanding anything contained in clause (*i*) of section 4, the Central Government may, by notification, declare that any persons or class of persons subject to this Act shall with reference to any area in which they may be serving or with reference to any provision of this Act or of any other law for the time being in force, be deemed to be on active service within the meaning of this Act.

CHAPTER III.

Commission, Appointment and Enrolment.

10. *Commission and appointment.*—The President may grant, to such person as he thinks fit a commission as an officer or appoint any person as a warrant officer of the Air Force.

11. *Ineligibility of aliens for enrolment.*—No person who is not a citizen of India shall, except with the consent of the Central Government signified in writing, be enrolled in the Air Force:

Provided that nothing contained in this section shall bar the enrolment of the subjects of Nepal in the Air Force.

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12. *Ineligibility of females for enrolment or employment.*—No female shall be eligible for enrolment or employment in the Air Force, except in such corps, department, branch or other body forming part of, or attached to any portion of, the Air Force as the Central Government may, be notification, specify in this behalf:

Provided that nothing contained in this section shall affect the provisions of any law for the time being in force providing for the raising and maintenance of any service auxiliary to the Air Force or any branch thereof in which females are eligible for enrolment or employment.

13. *Procedure before enrolling officer.*—Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of the service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question.

14. *Mode of enrolment.*—If, after complying with the provisions of section 13, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of service, and if such officer perceives no impediment, he shall sign and shall also cause such person to sign the enrolment paper, and such person shall thereupon be deemed to be enrolled.

15. *Validity of enrolment.*—Every person who has for the space of three months been in receipt of pay as a person enrolled under this Act and been borne on the rolls of any unit shall be deemed to have been duly enrolled, and shall not be entitled to claim his discharge on the ground of any irregularity or illegality in his enrolment or on any other ground whatsoever; and if any person, in receipt of such pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment, no such irregularity or illegality or other ground shall, until he is discharged in pursuance of his claim, affect his position as an enrolled person under this Act or invalidate any proceedings, act or thing taken or done prior to his discharge.

16. *Persons to be attested.*—The following persons shall be attested, namely:—

(*a*) all persons enrolled as combatants;

(*b*) all persons selected to hold a non-commissioned or acting non-commissioned rank; and

(*c*) all other persons subject to this Act as may be prescribed by the Central Government.

17. *Mode of attestation.*—(1) When a person who is to be attested is reported fit for duty, or has completed the prescribed period of probation, an oath or affirmation shall be administered to him in the prescribed form by his commanding officer in front of his unit or such portion thereof as may be present, or by any other prescribed person.

(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will bear true allegiance to the Constitution of India as by law established, and that he will serve in the Air Force and go wherever he is ordered by land, sea or air, and that he will obey all commands of any officer set over him, even to the peril of his life.

(3) The fact of an enrolled person having taken the oath or affirmation directed by this section to be taken shall be entered on his enrolment paper, and authenticated by the signature of the officer administering the oath or affirmation.

CHAPTER IV

CONDITIONS OF SERVICE

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18. *Tenure of service under the Act.*—Every person subject to this Act shall hold office during the pleasure of the President.

19. *Termination of service by Central Government.*—Subject to the provisions of this Act and the rules and regulations made thereunder, the Central Government may dismiss, or remove from the service any person subject to this Act.

20. *Dismissal, removal or reduction by Commander-in-Chief and other officers.*—(1) The Commander-in-Chief may dismiss or remove from the service any person subject to this Act other than an officer.

(2) The Commander-in-Chief may reduce to a lower grade or rank or the ranks, any warrant officer or any non-commissioned officer.

(3) An officer having power not less than an air officer in charge of a command or equivalent commander or any prescribed officer may dismiss or remove from the service any person serving under his command other than an officer or a warrant officer.

(4) On active service, an officer commanding the air forces in the field may reduce to a lower rank or to the ranks any warrant officer or non-commissioned officer under his command.

(5) The Commander-in-Chief or an officer specified in sub-section (3) may reduce to a lower class in the ranks any airman other than a warrant officer or non-commissioned officer.

(6) The commanding officer of an acting non-commissioned officer may order him to revert to his substantive rank as a non-commissioned officer, or if he has no such substantive rank, to the ranks.

(7) The exercise of any powers under this section shall be subject to the other provisions contained in this Act and the rules and regulations made thereunder.

21. *Power to modify certain fundamental rights in their application to persons subject to this Act.*—Subject to the provisions of any law for the time being in force relating to the Air Force or to any branch thereof, the Central Government may, by notification, make rules restricting in such manner and to such extent as may be specified the right of any person subject to this Act—

(*a*) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade or labour unions or any society, institution or association, or any class of societies, institutions or associations;

(*b*) to attend or address any meeting or to take part in any demonstration organised by any body of persons for any political or other prurposes;

(*c*) to communicate with the press or to publish or cause to be published any book, letter or other document.

22. *Retirement, release or discharge.*—Any person subject to this Act may be retired, released or discharged from the service by such authority and in such manner as may be prescribed.

23. *Certificate on termination of service.*—Every warrant officer, or enrolled person who is dismissed, removed, discharged, retired or released from the service shall be

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furnished by his commanding officer with a certificate, in the language which is the mother tongue of such person and also in the English language setting forth—

(a) the authority terminating his service;

(b) the cause for such termination; and

(c) the full period of his service in the Air Force.

24. *Discharge of dismissal when out of India.*—(1) Any person enrolled under this Act who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of India, and requests to be sent to India, shall, before being discharged, be sent to India with all convenient speed.

(2) Any person enrolled under this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed.

(3) Where any such person as is mentioned in sub-section (2) is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of transportation, imprisonment or detention, a portion of such sentence, may be inflicted before he is sent to India.

(4) For the purposes of this section, the word "discharge" shall include release, and the word "dismissal" shall include removal.

CHAPTER V

SERVICE PRIVILEGES

25. *Authorised deductions only to be made from pay.*—The pay of every person subject to this Act due to him as such under any regulation, for the time being in force, shall be paid without any deduction other than the deductions authorised by or under this or any other Act.

26. *Remedy of aggrieved airmen.*—(1) Any airman who deems himself wronged by any superior or other officer may, if not attached to a unit or detachment, complain to the officer under whose command or orders he is serving; and may, if attached to a unit or detachment, complain to the officer commanding the same.

(2) When the officer complained against is the officer to whom any complaint should, under sub-section (1), be preferred, the aggrieved airman may complain to such officer's next superior officer, and if he thinks himself wronged by such superior officer, he may complain to the Commander-in-Chief.

(3) Every officer receiving any such complaint shall make as complete an investigation into it as may be possible for giving full redress to the complainant; or, when necessary, refer the complaint to superior authority.

(4) Every such complaint shall be preferred in such manner as may from time to time be specified by the proper authority.

(5) The Central Government may revise any decision by the Commander-in-Chief under sub-section (2), but subject thereto, the decision of the Commander-in-Chief shall be final.

27. *Remedy of aggrieved officers.*—Any officer who deems himself wronged by his commanding officer or any superior officer and who on due application made to his commanding officer does not received the redress to which he considers himself entitled, may

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complain to the Central Government in such manner as may from time to time be specified by the proper authority.

28. *Immunity from attachment.*—The arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act shall not be seized, and the pay and allowances of any such person or any part thereof shall not be attached, by direction of any civil or revenue court or any revenue officer, in satisfaction of any decree or order enforceable against him.

29. *Immunity from arrest for debt.*—(1) No person subject to this Act shall, so long as he belongs to the Forces, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue officer;

(2) The judge of any such court or the said officer may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section, and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no court-fee shall be payable by the complainant.

30. *Immunity of persons attending courts-martial from arrest.*—(1) No presiding officer or member of a court-martial, no judge advocate, no party to any proceeding before a court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial shall, while proceeding to, attending, or returning from a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

31. *Privileges of reservists.*—Every person belonging to the Air Force Reserve shall, when called out for, or engaged in, or returning from, training or service, be entitled to all the privileges accorded by sections 28 and 29 to a person subject to this Act.

32. *Priority in respect of Air Force personnel's litigation.*—(1) On the presentation to any court by or on behalf of any person subject to this Act of a certificate, from the proper air force authority, of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such person, arrange, so far as may be possible, for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper air force authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or of any application by or on behalf of any such person, for priority for the hearing of his case.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for its inability to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

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(5) If in any case a question arises as to the proper air force authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to an officer having power not less than a group commander or equivalent commander whose decision shall be final.

33. *Saving of rights and privileges under other laws.*—The rights and privileges specified in the preceding sections of this Chapter shall be in addition to any others conferred on persons subject to this Act or on members of the regular Army, Navy and Air Force generally by any other law for the time being in force.

CHAPTER VI

OFFENCES

34. *Offences in relation to the enemy and punishable with death.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) shamefully abandons or delivers up any garrison, fortress, post, place or guard, committed to his charge, or which it is his duty to defend, or uses any means to compel or induce any commanding officer or other person to commit the said act; or

(*b*) intentionally uses any means to compel or induce any person subject to military, naval or air force law to abstain from acting against the enemy, or to discourage such person from acting against the enemy; or

(*c*) in the presence of the enemy, shamefully casts away his arms, ammunition, tools or equipment or misbehaves in such manner as to show cowardice; or

(*d*) treacherously holds correspondence with, or communicates intelligence to, the enemy or any person in arms against the Union; or

(*e*) directly or indirectly assists the enemy with money, arms, ammunition, stores or supplies; or

(*f*) treacherously or through cowardice sends a flag of truce to the enemy; or

(*g*) in time of war or during any air force operation, intentionally occasions a false alarm in action, camp or quarters or spreads reports calculated to create alarm or despondency; or

(*h*) in time of action leaves his commanding officer or his post, guard, piquet, patrol or party without being regularly relieved or without leave; or

(*i*) having been made a prisoner of war, voluntarily serves with or aids the enemy; or

(*j*) knowingly harbours or protects an enemy not being a prisoner; or

(*k*) being a sentry in time of war or alarm, sleeps upon his post or is intoxicated; or

(*l*) knowingly does any act calculated to imperil the success of the military, naval or air forces of India or any forces co-operating therewith or any part of such forces; or

(*m*) treacherously or shamefully causes the capture or destruction by the enemy of any aircraft belonging to the Forces; or

(*n*) treacherously uses any false air signal or alters or interferes with any air signal; or

(*o*) when ordered by his superior officer or otherwise under orders to carry out any air force operations, treacherously or shamefully fails to use his utmost exertions to carry such orders into effect;

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shall, on conviction by court-martial, be liable to suffer death or such less punishment as is in this Act mentioned.

35. *Offences in relation to the enemy and not punishable with death.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) is taken prisoner, by want of due precaution, or through disobedience of orders, or wilful neglect of duty, or having been taken prisoner, fails to rejoin his service when able to do so; or

(*b*) without due authority holds correspondence with or communicates intelligence to the enemy; or having come by the knowledge of any such correspondence or communication wilfully omits to discover it immediately to his commanding or other superior officer; or

(*c*) without due authority sends a flag of truce to the enemy; or

(*d*) negligently causes the capture or destruction by the enemy of any aircraft belonging to the Government; or

(*e*) when ordered by his superior officer, or otherwise under orders to carry out any warlike operations in the air, negligently or through other default fails to use his utmost exertions to carry such orders into effect;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

36. *Offences punishable more severely on active service than at other times.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) forces a safeguard, or forces or uses criminal force to a sentry; or

(*b*) breaks into any house or other place in search of plunder; or

(*c*) being a sentry sleeps upon his post, or is intoxicated; or

(*d*) without orders from his superior officer leaves his guard, piquet, patrol or post; or

(*e*) intentionally or through neglect occasions a false alarm in camp or quarters; or spreads reports calculated to create unnecessary alarm or despondency; or

(*f*) makes known the parole, watchword or countersign to any person not entitled to receive it; or knowingly gives a parole, watchword or countersign different from what he received; or

(*g*) without due authority alters or interferes with any air signal; shall, on conviction by court-martial;

if he commits any such offence when on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if he commits any such offence when not on active service, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

37. *Mutiny.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) begins, incites, causes or conspires with any other persons to cause, any mutiny in the military, naval or air forces of India or any forces co-operating, therewith; or

(*b*) joins in any such mutiny; or

(*c*) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or

(*d*) knowing or having reason to believe in the existence of any such mutiny, or of any intention to commit such mutiny or any such conspiracy, does not, without delay, give information thereof to his commanding or other superior officer; or

(*e*) endeavours to seduce any person in the military, naval or air forces of India from his duty or allegiance to the Union;

shall, on conviction by courtmartial, be liable to suffer death or such less punishment as is in this Act mentioned.

38. *Desertion and aiding desertion.*—(1) Any person subject to this Act who deserts or attempts to desert the service shall on conviction by court-martial,

if he commits the offence on active service or when under orders for active service, be liable to suffer death or such less punishment as is in this Act mentioned; and

if he commits the offence under any other circumstances, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who knowingly harbours any such deserter shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(3) Any person subject to this Act who, being cognizant of any desertion or attempt at desertion of a person subject to this Act, does not forthwith give notice to his own or some other superior officer, or take any steps in his power to cause such person to be apprehended, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

39. *Absence without leave.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) absents himself without leave; or

(*b*) without sufficient cause overstays leave granted to him; or

(*c*) being on leave of absence and having received information from proper authority that any unit or detachment, to which he belongs, has been ordered on active service, fails, without sufficient cause, to rejoin without delay; or

(*d*) without sufficient cause fails to appear at the time fixed, at the parade or place appointed for exercise or duty; or

(*e*) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer, quits the parade or line of march; or

(*f*) when in camp or elsewhere, is found beyond any limits fixed, or in any place prohibited, by any general, local or other order, without a pass or written leave from his superior officer; or

(*g*) without leave from his superior officer or without due cause, absents himself from any school when duly ordered to attend there;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

40. *Striking or threatening superior officer.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) uses criminal force to, or assaults his superior officer; or

(*b*) uses threatening language to such officer; or

(*c*) uses insubordinate language to such officer;

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shall, on conviction by court-martial,

if such officer is at the time in the execution of his office or, if the offence is committed on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

in other cases, be liable to suffer imprisonment for a term which may extend to ten years or such punishment as is in this Act mentioned:

Provided that in the case of an offence specified in clause (*c*), the imprisonment shall not exceed five years.

41. *Disobedience to superior officer.*—(1) Any person subject to this Act who disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally or in writing or by signal or otherwise shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

(2) Any person subject to this Act who disobeys any lawful command given by his superior officer shall, on conviction by court-martial,

if he commits such offence when on active service, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if he commits such offence when not on active service, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

42. *Insubordination and obstruction.*—Any person subject to this Act who commits any of the following offences that is to say,—

(*a*) being concerned in any quarrel, affray or disorder, refuses to obey any officer, though of inferior rank, who orders him into arrest, or uses criminal force to or assaults any such officer; or

(*b*) uses criminal force to, or assaults any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether he is or is not his superior officer; or

(*c*) resists an escort whose duty it is to apprehend him or to have him in charge; or

(*d*) breaks out of barracks, camp or quarters; or

(*e*) neglects to obey any general, local or other order; or

(*f*) impedes the provost-marshal or any person lawfully acting on his behalf or, when called upon, refuses to assist in the execution of his duty a provost-marshal or any person lawfully acting on his behalf; or

(*g*) uses criminal force to or assaults any person bringing provisions or supplies to the Forces;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clauses (*d*) and (*e*) to two years, and in the case of the offences specified in the other clauses to ten years, or such less punishment as is in this Act mentioned.

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43. *Fraudulent enrolment.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) without having obtained a regular discharge from the Air Force or otherwise fulfilled the conditions enabling him to enrol or enter, enrols himself in, or enters the said force or any part of the military or the naval forces of India ; or

(*b*) is concerned in the enrolment in any part of the Forces, of any person when he knows or has reason to believe such person to be so circumstanced that by enrolling he commits an offence against this Act ;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

44. *False answers on enrolment.*—Any person having become subject to this Act who is discovered to have made at the time of enrolment a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

45. *Unbecoming conduct.*—Any officer or warrant officer who behaves in a manner unbecoming his position and the character expected of him shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned ; and if he is a warrant officer, be liable to be dismissed or to suffer such less punishment as is in this Act mentioned.

46. *Certain forms of disgraceful conduct.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind ; or

(*b*) malingers, or feigns, or produces disease or infirmity in himself intentionally delays his cure or aggravates his disease or infirmity ; or

(*c*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person ;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

47. *Ill-treating a subordinate.*—Any officer, warrant officer or non-commissioned officer, who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

48. *Intoxication.*—(1) Any person subject to this Act who is found in a state of intoxication, whether on duty or not, shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned ; and if he is not an officer, be liable, subject to the provisions of sub-section (2), to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

(2) Where an offence of being intoxicated is committed by a person other than an officer when not on active service or not on duty, the period of imprisonment awarded shall not exceed six months.

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49. *Permitting escape of person in custody.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) when in command of a guard, piquet, patrol or post, releases without proper authority, whether wilfully or without reasonable excuse, any person committed to his charge or refuses to receive any prisoner or person so committed; or

(*b*) wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and if he has not acted wilfully, to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

50. *Irregularity in connection with arrest or confinement.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) unnecessarily detains a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or

(*b*) having committed a person to air force custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing signed by himself of the offence with which the person so committed is charged;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

51. *Escape from custody.*—Any person subject to this Act who, being in lawful custody, escapes or attempts to escape, shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

52. *Offences in respect of property.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) commits theft of any property belonging to the Government, or to any military, naval or air force mess, band or institution, or to any person subject to military, naval or air force law; or

(*b*) dishonestly misappropriates or converts to his own use any such property; or

(*c*) commits criminal breach of trust in respect of any such property; or

(*d*) dishonestly receives or retains any such property in respect of which any of the offences under clauses (*a*), (*b*) and (*c*) has been committed, knowing or having reason to believe the commission of such offence; or

(*e*) wilfully destroys or injures any property of the Government entrusted to him; or

(*f*) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

53. *Extortion and corruption.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) commits extortion; or

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(*b*) without proper authority exacts from any person money, provisions or service;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

54. *Making away with equipment.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) makes away with, or is concerned in making away with, any arms, ammunition, equipment, instruments, tools, clothing or any other thing being the property of the Government issued to him for his use or entrusted to him; or

(*b*) loses by neglect anything mentioned in clause (*a*); or

(*c*) sells, pawns, destroys or defaces any medal or decoration granted to him;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clause (*a*) to ten years, and in the case of the offences specified in the other clauses to five years, or such less punishment as is in this Act mentioned.

55. *Injury to property.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) destroys or injures any property mentioned in clause (*a*) of section 54, or any property belonging to any military, naval or air force mess, band or institution, or to any person subject to military, naval or air force law, or serving with, or attached to the Air Force; or

(*b*) commits any act which causes damage to, or destruction of, any property of the Government by fire; or

(*c*) kills, injures, makes away with, ill-treats or loses any animal entrusted to him;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and if he has acted without reasonable excuse to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

56. *False accusation.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) makes a false accusation against any person subject to this Act knowing or having reason to believe such accusation to be false; or

(*b*) in making a complaint under section 26 or section 27 makes any statement affecting the character of any person subject to this Act, knowing or having reason to believe such statement to be false, or knowingly and wilfully suppresses any material facts;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

57. *Falsifying official documents and false declaration.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) in any report, return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of, any false or fraudulent statement; or

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(*b*) in any document of the description mentioned in clause (*a*) knowingly makes, or is privy to the making of, any omission, with intent to defraud; or

(*c*) knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or

(*d*) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(*e*) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

58. *Signing in blank and failure to report.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) when signing any document relating to pay, arms, ammunition, equipment, clothing, supplies or stores, or any property of the Government fraudulently leaves in blank any material part for which his signature is a voucher; or

(*b*) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

59. *Offences relating to courts-martial.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) being duly summoned or ordered to attend as a witness before a court-martial, wilfully or without reasonable excuse, makes default in attending; or

(*b*) refuses to take an oath or make an affirmation legally required by a court-martial to be taken or made; or

(*c*) refuses to produce or deliver any document in his power or control legally required by a court-martial to be produced or delivered by him; or

(*d*) refuses when a witness to answer any question which he is by law bound to answer; or

(*e*) is guilty of contempt of court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

60. *False evidence.*—Any person subject to this Act who, having been duly sworn or affirmed before any court-martial or other court competent under this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

61. *Unlawful detention of pay.*—Any officer, warrant officer or non-commissioned officer who, having received the pay of a person subject to this Act unlawfully detains or refuses to pay the same when due, shall, on conviction by court-martial, be liable to

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suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

62. *Offences in relation to aircraft and flying.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) wilfully or without reasonable excuse damages, destroys or loses any aircraft or aircraft material belonging to the Government; or

(*b*) is guilty of any act or neglect likely to cause such damage, destruction or loss; or

(*c*) without lawful authority disposes of any aircraft or aircraft material belonging to the Government; or

(*d*) is guilty of any act or neglect in flying, or in the use of any aircraft or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person; or

(*e*) during a state of war, wilfully and without proper occasion, or negligently, causes the sequestration, by or under the authority of a neutral State, or the destruction in a neutral State, of any aircraft belonging to the Government;

shall, on conviction by court-martial, be liable, if he has acted wilfully, to suffer imprisonment for a term which may extend to fourteen years or such punishment as is in this Act mentioned, and, in any other case, to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

63. *Other offences relating to aircraft and flying.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) signs any certificate in relation to an aircraft or aircraft material belonging to the Government without ensuring the accuracy thereof; or

(*b*) being the pilot of an aircraft belonging to the Government, flies it at a height less than such height as may be specified by the Commander-in-Chief, except while taking off or landing, or in such other circumstances as may be specified by the Commander-in-Chief; or

(*c*) being the pilot of an aircraft belonging to the Government, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

64. *Disobedience of lawful command of captain of aircraft.*—Any person subject to this Act who, whatever his rank, commits any of the following offences, that is to say,—

(*a*) while he is in an aircraft disobeys any lawful command given by the captain of the aircraft, whether such captain is subject to this Act or not, as respects all matters relating to the flying or handling of the aircraft, or affecting the safety thereof; or

(*b*) being the captain of a glider aircraft towed by another aircraft disobeys any lawful command given by the captain of the towing aircraft, whether the latter is subject to this Act or not, as respects all matters aforesaid;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

65. *Violation of good order and air force discipline.*—Any person subject to this Act who is guilty of any act or omission which though not specified in this Act, is prejudicial to good order and air force discipline shall, on conviction by court-martial, be

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liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

66. *Miscellaneous offences.*—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or

(*b*) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person; or

(*c*) attempts to commit suicide, and in such attempt does any act towards the commission of such offence; or

(*d*) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bazar, carrying a rifle, sword or other offensive weapon; or

(*e*) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service; or

(*f*) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving;

shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

67. *Attempt.*—Any person subject to this Act who attempts to commit any of the offences specified in sections 34 to 66 inclusive, and in such attempt does any act towards the commission of the offence shall, on conviction by court-martial, where no express provision is made by this Act for the punishment of such attempt, be liable,

if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

68. *Abetment of offences that have been committed.*—Any person subject to this Act who abets the commission of any of the offences specified in sections 34 to 66 inclusive shall, on conviction by court-martial, if the act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer the punishment provided for that offence or such less punishment as is in this Act mentioned.

69. *Abetment of offences punishable with death and not committed.*—Any person subject to this Act who abets the commission of any of the offences punishable with death under sections 34, 37 and sub-section (1) of section 38 shall, on conviction by court-martial, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

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70. *Abetment of offences punishable with imprisonment and not committed.*—Any person subject to this Act who abets the commission of any of the offences specified in sections 34 to 66 inclusive, and punishable with imprisonment shall, on conviction by court-martial, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

71. *Civil offences.*—Subject to the provisions of section 72, any person subject to this Act who at any place in or beyond India commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section shall be liable to be tried by a court-martial and, on conviction, be punishable as follows, that is to say,—

(*a*) if the offence is one which would be punishable under any law in force in India with death or with transportation, he shall be liable to suffer any punishment, other than whipping, assigned for the offence, by the aforesaid law and such less punishment as is in this Act mentioned; and

(*b*) in any other case, he shall be liable to suffer any punishment other than whipping, assigned for the offence by any law in force in India, or imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

72. *Civil offences not triable by court-martial.*—A person subject to this Act who commits an offence of murder against a person not subject to military, naval or air force law, or of culpable homicide not amounting to murder against such a person or of rape in relation to such a person, shall not be deemed to be guilty of an offence against this Act and shall not be tried by a court-martial, unless he commits any of the said offences—

(*a*) while on active service, or

(*b*) at any place outside India, or

(*c*) at a frontier post specified by the said Government by notification in this behalf.

Explanation.—In this section and in section 71, "India" does not include the State of Jammu and Kashmir.

CHAPTER VII

PUNISHMENTS

73. *Punishments awardable by courts-martial.*—Punishments may be inflicted in respect of offences committed by persons to this Act and convicted by courts-martial according to the scale following that is to say,—

(*a*) death;

(*b*) transportation for life or for any period not less than seven years in respect of civil offences;

(*c*) imprisonment either rigorous or simple, for any period not exceeding fourteen years;

(*d*) detention for a term not exceeding two years in the case of airmen;

(*e*) cashiering, in the case of officers;

(*f*) dismissal from service;

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(*g*) reduction to the ranks or to a lower rank or classification in the case of warrant officers and non-commissioned officers;

Provided that a warrant officer reduced to the ranks shall not be required to serve in the ranks as an airman;

(*h*) forfeiture of seniority of rank, in the case of officers, warrant officers and non-commissioned officers; and forfeiture of all or any part of their service for the purpose of promotion, in the case of any of them whose promotion depends upon length of service;

(*i*) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(*j*) severe reprimand or reprimand, in the case of officers, warrant officers and non-commissioned officers;

(*k*) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active service;

(*l*) forfeiture in the case of a person sentenced to cashiering or dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such cashiering or dismissal;

(*m*) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

74. *Alternative punishments awardable by court-martial.*—Subject to the provisions of this Act, a court-martial may, on convicting a person subject to this Act of any of the offences specified in sections 34 to 70 inclusive, award either the particular punishment with which the offence is stated in the said sections to be punishable, or, in lieu thereof, any one of the punishments lower in the scale set out in section 73, regard being had to the nature and degree of the offence.

75. *Combination of punishments.*—A sentence of a court-martial may award in addition to, or without any one other punishment, the punishment specified in clause (*e*) or clause (*f*) of section 73 and any one or more of the punishments specified in clauses (*g*) to (*m*) of that section.

76. *Cashiering officers.*—An officer shall be sentenced to be cashiered before he is awarded any of the punishments specified in clauses (*a*) to (*e*) of section 73.

77. *Field punishment.*—(1) Where any person subject to this Act and under the rank of warrant officer commits any offence on active service, it shall be lawful for a court-martial to award for that offence any such punishment as is prescribed as a field punishment.

(2) Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb and shall not include flogging.

78. *Position of field punishment in scale of punishments.*—Field punishment shall for the purpose of commutation be deemed to stand next below dismissal in the scale of punishments specified in section 73.

79. *Result of certain punishments in the case of a warrant officer or non-commissioned officer.*—A warrant officer or a non-commissioned officer sentenced by a court-matrial to transportation, imprisonment detention, field punishment or dismissal from the service shall be deemed to be reduced to the ranks.

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80. *Retention in the ranks of a person convicted on active service.*—When, on active service, any enrolled person has been sentenced by a court-martial to dismissal, or to transportation, imprisonment or detention, whether combined with dismissal or not the prescribed officer may direct that such person may be retained to serve in the ranks and such service shall be reckoned as part of his term of transportation, imprisonment or detention, if any.

81. *Punishments otherwise than by court-martial.*—Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a court-martial and in the manner stated in sections 82 and 86.

82. *Punishment of persons other than officers and warrant officers.*—Subject to the provisions of section 84, a commanding officer or such other officer as is, with the consent of the Central Government, specified by the Commander-in-Chief, may, in the prescribed manner, proceed against a person subject to this Act otherwise than as an officer or warrant officer who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,—

(*a*) detention up to twenty-eight days;

(*b*) confinement to the camp up to fourteen days;

(*c*) extra guards or duties not exceeding three in number;

(*d*) deprivation of acting rank;

(*e*) forfeiture of badge pay;

(*f*) severe reprimand or reprimand;

(*g*) fine up to fourteen days' pay in any one month;

(*h*) penal deductions under clause (*g*) of section 92;

(*i*) admonition;

(*j*) any prescribed field punishment up to twenty-eight days, in the case of a person on active service.

83. *Requirement of sanction in certain cases.*—(1) Subject to the provisions of sub-section (2), the punishments mentioned in section 82 shall not be inflicted in respect of an offence under any of the sections 34, 35 and 36 when committed on active service or under any of the sections 37, 38, 40, 42(*f*) and (*g*), 43, 47, 52, 60, 62, 63, 64, 66(*a*), (*b*) and (*c*) and 71 except with the previous sanction in writing of an officer having power to convene a district court-martial.

(2) The said punishments may be awarded without such sanction in the case of any offence, other than an offence under section 34 or section 71, committed by persons who have not been enrolled as combatants.

84. *Limit of punishments under section* 82.—(1) An award of punishment under section 82 shall not include field punishment in addition to one or more of the punishments specified in clauses (*a*) and (*b*) of that section.

(2) In the case of an award of two or more of the punishments specified in clauses (*a*), (*b*) and (*c*) of the said section, the punishment specified in clause (*b*) or clause (*c*) shall take effect only at the end of the punishment specified in clause (*a*).

(3) When two or more of the punishments specified in the said clauses (*a*) and (*b*) are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.

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(4) The punishments specified in clauses (*a*), (*b*), (*c*) (*e*), (*g*) and (*j*) of section 82 shall not be awarded to any person who is of the rank of non-commissioned officer or was, at the time of committing the offence for which he is punished, of such rank.

(5) The punishment specified in clause (*f*) of the said section shall not be awarded to any person below the rank of a non-commissioned officer.

85. *Punishments in addition to those specified in section* 82.—The Commander-in-Chief may, with the consent of the Central Government, specify such other punishments as may be awarded under section 82 in addition to or without any of the punishments specified in the said section, and the extent to which such other punishments may be awarded.

86. *Punishment of officers and warrant officers.*—An officer having power to convene a general court-martial or such other officer as is, with the consent of the Central Government, specified by the Commander-in-Chief may, in the prescribed manner, proceed against an officer below the rank of squadron leader or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say,—

(*a*) forfeiture of seniority, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by a court-martial;

(*b*) severe reprimand or reprimand;

(*c*) stoppage of pay and allowance until any proved loss or damage occasioned by the offence of which he is convicted is made good but subject to the right of the accused specified in clause (*a*);

(*d*) forfeiture of pay and allowances for a period not exceeding three months for an offence under clause (*e*) of section 42 in so far as it consists of neglect to obey flying orders or under section 62 or section 63.

87. *Transmission of proceedings.*—In every case in which punishment has been awarded under section 86, certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment, to a superior air force authority as defined in section 89.

88. *Review of proceedings.*—If any punishment awarded under section 86 appears to a superior air force authority as defined in section 89 to be illegal, unjust or excessive, such authority may cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

89. *Superior air force authority.*—For the purposes of sections 87 and 88, a "superior air force authority" means—

(*a*) in the case of punishments awarded by a commanding officer, any officer superior in command to such commanding officer;

(*b*) in the case of punishments awarded by any other authority, the Central Government, the Commander-in-Chief or other officer specified by the Commander-in-Chief.

90. *Collective fines.*—(1) Whenever any weapon or part of a weapon forming part of the equipment of a unit or detachment is lost or stolen, the officer commanding such unit or detachment may, after obtaining the report of a court of inquiry, impose a collective fine upon the warrant officers, non-commissioned officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

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(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

CHAPTER VIII

Penal Deductions

91. *Deductions from pay and allowances of officers.*—The following penal deductions may be made from the pay and allowances of an officer, that is to say,—

(*a*) all pay and allowances due to an officer for every day he absents himself without leave, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Central Government;

(*b*) all pay and allowances for every day while he is in custody or under suspension from duty on a charge for an offence of which he is afterwards convicted by a criminal court or a court-martial or by an officer exercising authority under section 86;

(*c*) any sum required to make good the pay of any person subject to this Act which he has unlawfully retained or unlawfully refused to pay;

(*d*) any sum required to make good such compensation for any expenses, loss, damage or destruction occasioned by the commission of an offence as may be determined by the court-martial by whom he is convicted of such offence, or by an officer exercising authority under section 86;

(*e*) all pay and allowances ordered by a court-martial or an officer exercising authority under section 86 to be forfeited or stopped;

(*f*) any sum required to pay a fine awarded by a criminal court or a court-martial exercising jurisdiction under section 71;

(*g*) any sum required to make good any loss, damage, or destruction of public or service property which, after due investigation, appears to the Central Government to have been occasioned by the wrongful act or negligence on the part of the officer;

(*h*) all pay and allowances forfeited by order of the Central Government if the officer is found by a court of inquiry constituted by the Commander-in-Chief in this behalf, to have deserted to the enemy, or while in enemy hands, to have served with, or under the orders of the enemy or in any manner to have aided the enemy, or to have allowed himself to be taken prisoner by the enemy through want of due precaution or through disobedience of orders or wilful neglect of duty, or having been taken prisoner by the enemy, to have filed to rejoin his service when it was possible to do so;

(*i*) any sum required by order of the Central Government to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

92. *Deductions from pay and allowances of airmen.*—Subject to the provisions of section 95, the following penal deductions may be made from the pay and allowances of an airman, that is to say,—

(*a*) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war, and for every day of transportation or imprisonment awarded by a criminal court, or a court-martial, or of detention, or field punishment awarded by a court-martial or an officer exercising authority under section 82;

(*b*) all pay and allowances for every day while he is in custody on a charge for an offence of which he is afterwards convicted by a criminal court or a court-martial, or on a charge of absence without leave for which he is afterwards awarded detention or field punishment by an officer exercising authority under section 82;

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(c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;

(d) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by order of the Central Government or by such officer as may be specified by that Government;

(e) all pay and allowances ordered by a court-martial or by an officer exercising authority under section 82 or section 86 to be forfeited or stopped;

(f) all pay and allowances for every day between his being recovered from the enemy and his dismissal from the service in consequence of his conduct when being taken prisoner by, or while in the hands of the enemy;

(g) any sum required to make good such compensation for any expenses, loss, damage or destruction caused by him to the Central Government or to any building or property as may be awarded by his commanding officer;

(h) any sum required to pay a fine awarded by a criminal court, a court-martial exercising jurisdiction under section 71, or an officer exercising authority under section 82 or section 90;

(i) any sum required by order of the Central Government or any prescribed officer to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child.

93. *Computation of time of absence or custody.*—For the purposes of clauses (a) and (b) of section 92—

(a) no person shall be treated as absent or in custody for a day unless the absence or custody has lasted, whether wholly in one day or partly in one day and partly in another, for six consecutive hours or upwards;

(b) any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any air force duty which was thereby thrown upon some other person;

(c) absence or custody for twelve consecutive hours or upwards may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody;

(d) a period of absence or imprisonment which commences before and ends after midnight may be reckoned as a day.

94. *Pay and allowances during trial.*—In the case of any person subject to this Act who is in custody or under suspension from duty on a charge for an offence, the prescribed officer may direct that the whole or any part of the pay and allowances of such person shall be withheld, pending the result of his trial on the charge against him, in order to give effect to the provisions of clause (b) of sections 91 and 92.

95. *Limit of certain deductions.*—The total deductions from the pay and allowances of a person made under clauses (e) and (g) to (i) of section 92 shall not, except where he is sentenced to dismissal, exceed in any one month, one-half of his pay and allowances for that month.

96. *Deduction from public money due to a person.*—Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.

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97. *Pay and allowances of prisoner of war during inquiry into his conduct.*—Where the conduct of any person subject to this Act when being taken prisoner by, or while in the hands of the enemy, is to be inquired into under this Act or any other law, the Commander-in-Chief or any officer authorised by him may order that the whole or any part of the pay and allowances of such person shall be withheld pending the result of such inquiry.

98. *Remission of deductions.*—Any deduction from pay and allowances authorised by this Act may be remitted in such manner, and to such extent and by such authority as may from time to time be prescribed.

99. *Provision for dependants of prisoner of war from remitted deductions.*—In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under clause (*h*) of section 91 or clause (*a*) of section 92, but in respect of whom a remission has been made under section 98, it shall be lawful for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

100. *Provision for dependants of prisoner of war from his pay and allowances.*—It shall be lawful for proper provision to be made by the prescribed authorities for any dependants of any person subject to this Act, who is a prisoner of war or is missing, out of his pay and allowances.

101. *Period during which a person is deemed to be a prisoner of war.*—For the purposes of sections 99 and 100, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 97, and if he is cashiered or dismissed from the service in consequence of such conduct until the date of such cashiering or dismissal.

CHAPTER IX

Arrest and Proceedings before Trial

102. *Custody of offenders.*—(1) Any person subject to this Act, who is charged with an offence may be taken into air force custody.

(2) Any such person may be ordered into air force custody by any superior officer.

(3) Any officer may order into air force custody any officer, though he may be of a higher rank, engaged in a quarrel, affray or disorder.

103. *Duty of commanding officer in regard to detention.*—(1) It shall be the duty of every commanding officer to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him to be impracticable with due regard to the public service.

(2) Every case of a person being detained in custody beyond a period of forty-eight hours, and the reason thereof shall be reported by the commanding officer to the air or other officer to whom application would be made to convene a general or district court-martial for the trial of the person charged.

(3) In reckoning the period of forty-eight hours specified in sub-section (1) Sundays and public holidays shall be excluded.

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(4) Subject to the provisions of this Act, the Central Government may make rule providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in air force custody, pending the trial by any competent authority for any offence committed by him.

104. *Interval between committal and court-martial.*—In every case where any such person as is mentioned in section 102 and as is not on active service remains in such custody for a longer period than eight days, without a court-martial for his trial being ordered to assemble, a special report giving reasons for the delay shall be made by his commanding officer in the manner prescribed; and a similar report shall be forwarded every eight days until a court-martial is assembled or such person is released from custody.

105. *Arrest by civil authorities.*—Whenever any person subject to this Act, who is accused of any offence under this Act, is within the jurisdiction of any magistrate or police officer, such magistrate or police officer shall aid in the apprehension and delivery to air force custody of such person upon receipt of a written application to that effect signed by his commanding officer.

106. *Capture of deserters.*—(1) Whenever any person subject to this Act deserts, the commanding officer of the unit or detachment to which he belongs, shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate, and shall deliver the deserter, when apprehended, into air force custody.

(2) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest magistrate, to be dealt with according to law.

107. *Inquiry into absence without leave.*—(1) When any person subject to this Act has been absent from his duty without due authority for a period of thirty days, a court of inquiry shall as soon as practicable, be assembled, and such court shall, on oath or affirmation administered in the prescribed manner, inquire respecting the absence of the person, and the deficiency, if any, in the property of the Government entrusted to his care, or in any arms, ammunition, equipment, instruments, clothing or necessaries, and if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any; and the commanding officer of the unit to which the person belongs shall enter in the court-martial book of the unit a record of declaration.

(2) If the person declared absent does not afterwards surrender or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

108. *Provost-marshals.*—(1) Provost-marshals may be appointed by the Commander-in-Chief, or by any prescribed officer.

(2) The duties of a provost-marshal are to take charge of persons confined for any offence, to preserve good order and discipline, and to prevent breaches of the same by persons serving in, or attached to the Air Force.

(3) A provost-marshal may at any time arrest and detain for trial any person subject to this Act who commits, or is charged with an offence and may also carry into effect any punishment to be inflicted in pursuance of the sentence awarded by a court-martial or by an officer exercising authority under section 82, but shall not inflict any punishment on his own authority;

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Provided that no officer shall be so arrested or detained otherwise than on the order of another officer.

(4). For the purposes of sub-sections (2) and (3), a provost-marshal shall be deemed to include a provost-marshal appointed under the Army Act or the Navy Act and any person legally exercising authority under him or in his behalf.

CHAPTER X

COURTS-MARTIAL

109. *Different kinds of courts-martial.*—For the purposes of this Act, there shall be three kinds of courts-martial, that is to say,—

(*a*) general courts-martial;

(*b*) district courts-martial; and

(*c*) summary general courts-martial.

110. *Power to convene a general court-martial.*—A general court-martial may be convened by the Central Government or the Commander-in-Chief, or by any officer empowered in this behalf by warrant of the Commander-in-Chief.

111. *Power to convene a district court-martial.*—A district court-martial may be convened by an officer having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such officer.

112. *Contents of warrants issued under sections* 110 *and* 111.—A warrant issued under section 110 or section 111 may contain such restrictions, reservations or conditions as the officer issuing it may think fit.

113. *Power to convene a summary general court-martial.*—The following authorities shall have the power to convene a summary general court-martial, namely:—

(*a*) an officer empowered in this behalf by an order of the Central Government or of the Commander-in-Chief;

(*b*) on active service, the officer commanding the forces in the field, or any officer empowered by him in this behalf;

(*c*) an officer commanding any detached portion of the Air Force on active service when, in his opinion it is not practicable, with due regard to discipline and the exi- gencies of the service, that an offence should be tried by a general court-martial.

114. *Composition of general court-martial.*—A general court-martial shall consist of not less than five officers, each of whom has held a commission for not less than three whole years and of whom not less than four are of a rank not below that of flight-lieutenant.

115. *Composition of district court-martial.*—A district court-martial shall consist of not less than three officers, each of whom has held a commission for not less than two whole years.

116. *Composition of summary general court-martial.*—A summary general court-martial shall consist of not less than three officers.

117. *Dissolution of court-martial.*—(1) If a court-martial after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

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(2) If, on account of the illness of the judge advocate or of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) The officer who convened a court-martial may dissolve such court-martial if it appears to him that the exigencies of the service or the necessities of discipline render it impossible or inexpedient to continue the said court-martial.

(4) Where a court-martial is dissolved under this section, the accused may be tried again.

118. *Powers of general and summary general courts-martial.*—A general or summary general court-martial shall have power to try any person subject to this Act for any offence punishable therein and to pass any sentence authorised thereby.

119. *Powers of district court-martial.*—A district court-martial shall have power to try any person subject to this Act other than an officer or warrant officer for any offence made punishable therein, and to pass any sentence authorised by this Act other than a sentence of death, transportation, or imprisonment for a term exceeding two years.

120. *Prohibition of second trial.*—When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been dealt with under section 82 or section 86, he shall not be liable to be tried again for the same offence by a court-martial or dealt with under the said sections.

121. *Period of limitation for trial.*—(1) Except as provided by sub-section (2), no trial by court-martial of any person subject to this Act for any offence shall be commenced after the expiration of a period of three years from the date of such offence.

(2) The provisions of sub-section (1) shall not apply to a trial for an offence of desertion or fraudulent enrolment or for any of the offences mentioned in section 37.

(3) In the computation of the period of time mentioned in sub-section (1), any time spent by such person as a prisoner of war, or in enemy territory, or in evading arrest after the commission of the offence, shall be excluded.

(4) No trial for an offence of desertion, other than desertion on active service or of fraudulent enrolment shall be commenced if the person in question, not being an officer has, subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of the Air Force.

122. *Liability of offender who ceases to be subject to Act.*—(1) Where an offence under this Act had been committed by any person while subject to this Act, and he has ceased to be so subject, he may be taken into and kept in air force custody, and tried and punished for such offence as if he continued to be so subject.

(2) Except as provided by sub-sections (3) and (4), any such person shall not be tried for an offence, unless his trial commences within six months after he had ceased to be subject to this Act.

(3) The provisions of sub-section (2) shall not apply to the trial of any such person for an offence of desertion or fraudulent enrolment or for any of the offences mentioned in section 37.

(4) Nothing contained in sub-section (2) shall affect the jurisdiction of a civil court to try any offence triable by such court as well as by a court-martial.

(5) When a person subject to this Act is sentenced by a court-martial to transportation or imprisonment, this Act shall apply to him during the term of his sentence, though he is cashiered or dismissed from the Air Force, or he otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

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(6) When a person subject to this Act is sentenced by a court-martial to death, this Act shall apply to him till the sentence is carried out.

123. *Place of trial.*—Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever.

124. *Choice between criminal court and court-martial.*—When a criminal court and a court-martial have each jurisdiction in respect of an offence, it shall be in the discretion of the Commander-in-Chief, the officer commanding any group, wing or station in which the accused prisoner is serving or such other officer as may be prescribed to decide before which court the proceedings shall be instituted, and, if that officer decides that they should be instituted before a court-martial, to direct that the accused person shall be detained in air force custody.

125. *Power of criminal court to require delivery of offender.*—(1) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, required the officer referred to in section 124 at his option, either to deliver over the offender to the nearest magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Central Government.

(2) In every such case the said officer shall either deliver over the offender in compliance with the requisition, or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Central Government whose order upon such reference shall be final.

126. *Successive trials by a criminal court and a court-martial.*—(1) A person convicted or acquitted by a court-martial may, with the previous sanction of the Central Government, be tried again by a criminal court for the same offence, or on the same facts.

(2) If a person sentenced by a court-martial under this Act or punished under section 82 or section 86 is afterwards tried and convicted by a criminal court for the same offence, or on the same facts, that court shall, in awarding punishment have regard to the punishment he may already have undergone for the said offence.

CHAPTER XI

Procedure of Courts-martial

127. *Presiding Officer.*—At every general, district or summary general court-martial the senior member shall be the presiding officer.

128. *Judge Advocate.*—Every general court-martial shall, and every district or summary general court-martial may, be attended by a judge advocate, who shall be either an officer belonging to the department of the Chief Legal Adviser or if no such officer is available, an officer approved by the Chief Legal Adviser or any of his deputies.

129. *Challenges.*—(1) At all trials by general, district or summary general courts-martial, as soon as the court is assembled, the names of the presiding officer and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(2) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

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(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(4) When no challenge is made, or when challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

130. *Oaths of member, judge advocate and witness.*—(1) An oath or affirmation in the prescribed manner shall be administered to every member of every court-martial and to the judge advocate before the commencement of the trial.

(2) Every person giving evidence before a court-martial shall be examined after being duly sworn or affirmed in the prescribed form.

(3) The provisions of sub-section (2) shall not apply where the witness is a child under twelve years of age and the court-martial is of opinion that though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation.

131. *Voting by members.*—(1) Subject to the provisions of sub-sections (2) and (3) every decision of a court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes on either the finding or the sentence, the decision shall be in favour of the accused.

(2) No sentence of death shall be passed by a general court-martial without the concurrence of at least two-thirds of the members of the court.

(3) No sentence of death shall be passed by a summary general court-martial without the concurrence of all the members.

(4) In maters other than a challenge or the finding or sentence, the presiding officer shall have a casting vote.

132. *General rule as to evidence.*—The Indian Evidence Act, 1872 (I of 1872), shall, subject to the provisions of this Act, apply to all proceedings before a court-martial.

133. *Judicial notice.*—A court-martial may take judicial notice of any matter within the general air force knowledge of the members.

134. *Summoning witnesses.*—(1) The convening officer, the presiding officer of a court-martial, the judge advocate or the commanding officer of the accused person, may by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In the case of a witness amenable to air force authority the summons shall be sent to his commanding officer, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the magistrate within whose jurisdiction he may be or reside, and such magistrate shall give effect to the summons as if the witness were required in the court of such Magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with reasonable precision.

135. *Documents exempted from production.*—(1) Nothing in section 134 shall be deemed to affect the operation of sections 123 and 124 of the Indian Evidence Act, 1872 (I of 1872), or to apply to any letter postcard, telegram or other document in the custody of the postal or telegraph authorities.

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(2) If any document in such custody is, in the opinion of any district magistrate, chief presidency magistrate, High Court or court of session, wanted for the purpose of any court-martial, such magistrate or court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such magistrate or court may direct.

(3) If any such document is, in the opinion of any other magistrate or of any commissioner of police or district superintendent of police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause search to be made for and to detain such document pending the orders of any such district magistrate, chief presidency magistrate or High Court or Court of Session.

136. *Commissions for examination of witnesses.*—(1) Whenever, in the course of a trial by court-martial, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Chief Legal Adviser in order that a commission to take the evidence of such witness may be issued.

(2) The Cheif Legal Adviser may then, if he thinks necessary, issue a commission to any district magistrate or magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(3) The magistrate or officer to whom the commission is issued, or, if he is the district magistrate, he or such magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant cases under the Code of Criminal Procedure, 1898 (Act V of 1898), or any corresponding law in force in a Part B State.

(4) When the witness resides in a tribal area or in any place outside India, the commission may be issued in the manner specified in Chapter XL of the Code of Criminal Procedure, 1898 (Act V of 1898), or of any corresponding law in force in Part B State.

(5) In this and the next succeeding section, the expression "Chief Legal Adviser" includes a Deputy Chief Legal Adviser.

137. *Examination of a witness on commission.*—(1) The prosecutor and the accused person in any case in which a commission is issued under section 136 may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the magistrate or officer executing the commission shall examine the witness upon such interrogatories.

(2) The prosecutor and the accused person may appear before such magistrate or officer by counsel or, except in the case of an accused person in custody in person, and may examine, cross-examine and re-examine, as the case may be, the said witness.

(3) After a commission issued under section 136 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder to the Chief Legal Adviser.

(4) On receipt of a commission and deposition returned under sub-section (3), the Chief Legal Adviser shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

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(5) In every case in which a commission is issued under section 136, the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

138. *Conviction of offence not charged.*—(1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged before a court-martial with attempting to desert may be found guilty of being absent without leave.

(3) A person charged before a court-martial with using criminal force may be found guilty of assault.

(4) A person charged before a court-martial with using threatening language may be found guilty of using insubordinate language.

(5) A person charged before a court-martial with any one of the offences specified in clauses (*a*), (*b*), (*c*) and (*d*) of section 52 may be found guilty of any other of these offences with which he might have been charged.

(6) A person charged before a court-martial with an offence punishable under section 71 may be found guilty of any other offence of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), were applicable.

(7) A person charged before a court-martial with any offence under this Act may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

(8) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted or abetted the commission of that offence, although the attempt or abetment is not separately charged.

139. *Presumption as to signatures.*—In any proceeding under this Act, any application, certificate, warrant, reply, or other document purporting to be signed by an officer in the service of the Government shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

140. *Enrolment paper.*—(1) Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given.

(2) The enrolment of such person may be proved by the production of the original or a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

141. *Presumption as to certain documents.*—(1) A letter, return or other document respecting the service of any person in, or the cashiering dismissal or discharge of any person from, any portion of the Air Force or respecting the circumstance of any person not having served in, or belonged to, any portion of the Forces, if purporting to be signed by or on behalf of the Central Government or the Commander-in-Chief, or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

(2) An Army, Navy or Air Force List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers or warrant officers therein mentioned, and of any appointment held by them and of the unit or branch of the services to which they belong.

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(3) Where a record is made in any service book in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of air force duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(4) A copy of any record in any service book purporting to be certified to be a true copy by the officer having custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of any officer or other person subject to this Act, or any portion of the Air Force, or has been apprehended by such officer or person, a certificate purporting to be signed by such officer, or by the commanding officer of that portion of the Air Force, or by the commanding officer of the unit, or detachment to which such person belongs, as the case may be, and stating the fact, date and place of such surrender or apprehension and the manner in which he was dressed, shall be evidence of the matters so stated.

(6) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of or has been apprehended by a police officer not below the rank of an Officer in charge of a police station, a certificate purporting to be signed by such police officer and stating the fact, date and place of such surrender or apprehension and the manner in which he was dressed shall be evidence of the matters so stated.

(7) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report may be used as evidence in any proceeding under this Act.

142. *Reference by accused to Government officer.*—(1) If at any trial for desertion or absence without leave, overstaying leave or not rejoining when warned for service the person tried states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the service of the Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court shall address such officer and adjourn the proceedings until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the court.

(3) If the court is dissolved before the receipt of such reply, or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial.

143. *Evidence of previous convictions and general character.*—(1) When any person subject to this Act has been convicted by a court-martial of any offence, such court-martial may inquire into, and receive and record evidence of any previous convictions of such person, either by a court-martial or by a criminal court, or any previous award of punishment under section 82 or section 86 and may further inquire into and record the general character of such person and such other matters as may be prescribed.

(2) Evidence received under this section may be either oral, or in the shape of entries, in, or certified extracts from, court-martial books or other official records, and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

144. *Lunacy of accused.*—(1) Whenever, in the course of a trial by a court-martial it appears to the court that the person charged is by reason of unsoundness of mind incapable of making his defence, or that he committed the act alleged but was by reason

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of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong or contrary to law, the court shall record a finding accordingly.

(2) The presiding officer of the court shall forthwith report the case to the confirming officer.

(3) The confirming officer to whom the case is reported under sub-section (2) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was charged.

(4) A confirming officer confirming a finding in any case so reported to him under sub-section (2) shall order the accused person to be kept in custody in the prescribed manner and shall report the case for the orders of the Central Government.

(5) On receipt of a report under sub-section (4) the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

145. *Subsequent fitness of lunatic accused for trial.*—Where any accused person, having been found by reason of unsouudness of mind to be incapable of making his defence, is in custody or under detention under section 144, the officer commanding a unit or detachment within the area of whose command the accused is in custody or is detained, or any other officer prescribed in this behalf, may—

(*a*) if such person is in custody under sub-section (4) of section 144, on the report of a medical officer that he is capable of making his defence, or

(*b*) if such person is detained in a jail under sub-section (5) of section 144, on a certificate of the Inspector-General of Prisons, and if such person is detained in a lunatic asylum under the said sub-section on a certificate of any two or more of the visitors of such asylum that he is capable of making his defence,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged, or, if the offence is a civil offence, by a criminal court.

146. *Transmission to Central Government of orders under section* 145.—A copy of every order made by an officer under section 145 for the trial of the accused shall forthwith be sent to the Central Government.

147. *Release of lunatic accused.*—Where any person is in custody under sub-section (4) of section 144 or under detention under sub-section (5) of the section—

(*a*) if such person is in custody under the said sub-section (4), on the report of a medical officer, or

(*b*) if such person is detained under the said sub-section (5), on a certificate from any of the authorities mentioned in clause (*b*) of section 145 that, in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person,

the Central Government may order that such person, be released, or detained in custody, or transferred to a public lunatic asylum if he has not already been sent to such an asylum.

148. *Delivery of lunatic accused to relatives.*—Where any relative or friend of any person who is in custody under sub-section (4) of section 144 or under detention under sub-section (5) of that section desires that he should be delivered to his care and custody, the Central Government may upon application by such relative or friend and on his giving security to the satisfaction of that Government that the person delivered shall be properly taken care of and prevented from doing injury to himself or any other

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person, and be produced for the inspection of such officer, and at such times and places, as the Central Government may direct, order such person to be delivered to such relative or friend.

149. *Order for custody and disposal of property pending trial.*—When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a court-martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary order it to be sold or otherwise disposed of.

150. *Order for disposal of property regarding which offence is committed.*—(1) After the conclusion of a trial before any court-martial, the court or the officer confirming the finding or sentence of such court-martial or any authority superior to such officer, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a magistrate within whose jurisdiction such property for the time being is situated, and such magistrate shall thereupon cause the order to be carried into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or any corresponding law in force in a Part B State.

(3) In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

151. *Powers of courts-martial when certain offences are committed by persons not subject to this Act.*—Any trial by a court-martial under the provisions of this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860), and the court-martial shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

CHAPTER XII

Confirmation and Revision

152. *Finding and sentence not valid, unless confirmed.*—No finding or sentence of a general, district or summary general court-martial shall be valid except so far as it may be confirmed as provided by this Act.

153. *Power to confirm finding and sentence of general court-martial.*—The findings and sentences of general courts-martial may be confirmed by the Central Government, or by any officer empowered in this behalf by warrant of the Central Government.

154. *Power to confirm finding and sentence of district court-martial.*—The findings and sentences of district courts-martial may be confirmed by any officer having power

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to convene a general court-martial or by any officer empowered in this behalf by warrant of such officer.

155. *Limitation of powers of confirming authority.*—A warrant issued under section 153 or section 154 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

156. *Power to confirm finding and sentence of summary general court-martial.*—The findings and sentences of summary general courts-martial may be confirmed by the convening officer or if he so directs by an authority superior to him.

157. *Power of confirming authority to mitigate, remit or commute sentences.*—(1) Subject to such restrictions, reservations or conditions as may be contained in any warrant issued under section 153 or section 154 and to the provisions of sub-sections (2) and (3), a confirming authority may, when confirming the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishments lower in the scale laid down in section 73.

(2) A sentence of transportation shall not be commuted for a sentence of imprisonment or detention for a term exceeding the term of transportation awarded by the court.

(3) A sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment awarded by the court.

158. *Confirming of findings and sentences on board a ship.*—When any person subject to this Act is tried and sentenced by a court-martial while on board a ship, the finding and sentence so far as not confirmed and executed on board the ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

159. *Revision of finding or sentence.*—(1) Any finding or sentence of a court-martial may be once revised by order of the confirming authority and on such revision, the court if so directed by the confirming authority, may take additional evidence.

(2) The court on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a general court-martial, it still consists of five officers, or if a summary general or district court-martial of three officers.

160. *Alteration of finding or sentence in certain cases.*—(1) Where a finding of guilty by a court-martial which has been confirmed is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section 177 to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding and pass a sentence for the offence specified or involved in such finding:

Provided that no such substitution shall be made unless such finding could have been validly made by the court-martial on the charge and unless it appears that the court-martial must have been satisfied of the facts establishing the offence.

(2) Where a sentence passed by a court-martial which has been confirmed not being a sentence passed in pursuance of a new finding substituted under sub-section (1), is found for any reason to be invalid, the authority referred to in sub-section (1) may pass a valid sentence.

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(3) The punishment awarded by a sentence passed under sub-section (1) or sub-section (2)shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by, the sentence for which a new sentence is substituted under this section.

(4) Any finding substituted, or any sentence passed, under this section shall for the purposes of this Act and the rules made thereunder have effect as if it were a finding or sentence, as the case may be, of a court-martial.

161. *Remedy against order, finding or sentence of court-martial.*—(1) Any person subject to this Act who considers himself aggrieved by any order passed by a court-martial may present a petition to the officer or authority empowered to confirm any finding or sentence of such court-martial, and the confirming authority may take such steps as may be considered necessary to satisfy itself as to the correctness, legality or propriety of the order passed or as to the regularity of any proceeding to which the order relates.

(2) Any person subject to this Act who considers himself aggrieved by a finding or sentence of a court-martial which has been confirmed, may present a petition to the Central Government, the Commander-in-Chief or any prescribed officer superior in command to the one who confirmed such finding or sentence and the Central Government, the Commander-in-Chief or other officer, as the case may be, may pass such order thereon as it or he thinks fit.

162. *Annulment of proceedings.*—The Central Government, the Commander-in-Chief or any prescribed officer may annul the proceedings of any court-martial on the ground that they are illegal or unjust.

CHAPTER XIII

Execution of Sentences

163. *Form of sentence of death.*—In awarding a sentence of death, a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

164. *Commencement of sentence of transportation or imprisonment.*—Whenever any person is sentenced by a court-martial under this Act to transportation, imprisonment or detention the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the presiding officer.

165. *Execution of sentence of transportation.*—Whenever any sentence of transportation is passed under this Act or whenever any sentence of death be commuted to transportation, the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

166. *Execution of sentence of imprisonment.*—(1) Whenever any sentence of imprisonment is passed under this Act or whenever any sentence of death or transportation is commuted to imprisonment, the confirming officer or such other officer as may be prescribed, shall, save as otherwise provided in sub-sections (3) and (4), direct either that the sentence shall be carried out by confinement in a military or air force prison or that it shall be carried out by confinement in a civil prison.

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(2) When a direction has been made under sub-section (1) the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

(3) In the case of a sentence of imprisonment for a period not exceeding three months, the officers referred to in sub-section (1) may direct that the sentence shall be carried out by confinement in air force custody instead of in a civil or military or air force prison.

(4) On active service, a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may from time to time appoint.

167. *Temporary custody of offender.*—Where a sentence of transportation or imprisonment is directed to be undergone in a civil prison, the offender may be kept in military or air force custody or in any other fit place, till such time as it is possible to sent him to a civil prison.

168. *Execution of sentence of imprisonment in special cases.*—Whenever, in the opinion of an air or other officer commanding a group, any sentence or portion of a sentence of imprisonment cannot for special reasons, conveniently be carried out in a military or air force prison or in air force custody in accordance with the provisions of section 166 such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

169. *Conveyance of prisoner from place to place.*—A person under sentence of transportation or imprisonment may, during his conveyance from place to place, or when on board ship, aircraft, or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

170. *Execution of sentence of detention.*—Whenever any sentence of detention is passed under this Act, or whenever any sentence of death, transportation or imprisonment is commuted to detention, the sentence shall be carried out by detaining the offender in any military or air force detention barracks, detention cells or other military or air force custody, and when the sentence is to be carried out by detention in any military or air force detention barracks, the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the detention barracks in which the person under sentence is to be detained, and shall forward the person under sentence to such detention barracks with the warrant.

171. *Communication of certain orders to prison officers.*—Whenever an order if duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil, military or air force prison or detained in a military or air force detention barracks, a warrant in accordance with such order shall be forwarded by the officer making the order, or his staff officer, or such other person as may be prescribed, to the officer in charge of the prison or detention barracks in which such person is confined.

172. *Execution of sentence of fine.*—When a sentence of fine is imposed by a court-martial under section 71 whether the trial was held within India or not, a copy of such sentence, signed and certified by the confirming officer may be sent to any magistrate in India, and such magistrate shall thereupon cause the fine to be recovered in accordance

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with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or any corresponding law in force in a Part B State, for the levy of fines as if it were a sentence of fine imposed by such magistrate.

173. *Establishment and regulation of air force prisons.*—The Central Government may set apart any building or part of a building, or any place under its control, as an air force prison or detention barracks for the confinement of persons sentenced to imprisonment or detention under this Act.

174. *Informality or error in the order or warrants.*—Whenever a person is sentenced to transportation, imprisonment or detention under this Act, and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursuance of this Act, the confinement of such person shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into or is confined in any such place, and any such order, warrant or document may be amended accordingly.

175. *Power to make rules in respect of prisons and prisoners.*—The Central Government may make rules providing—

(*a*) for the government, management and regulation of air force prisons and detention barracks;

(*b*) for the appointment, removal and powers of inspectors, visitors, governors and officers thereof;

(*c*) for the labour of prisoners undergoing confinement therein, and for enabling such prisoners or persons to earn by special industry and good conduct, a remission of a portion of their sentence;

(*d*) for the safe custody of such prisoners or persons and the maintenance of discipline among them and the punishment, by personal correction, restraint or otherwise, of offences committed by them;

(*e*) for the application to air force prisons or detention barracks of any of the provisions of the Prisons Act, 1894 (IX of 1894), relating to the duties of officers of prisons and the punishment of persons not being prisoners;

(*f*) for the admission into any prison, at proper times and subject to proper restrictions, of persons with whom prisoners may desire to communicate, and for the consultation by prisoners under trial with their legal advisers without the presence as far as possible of any third party within hearing distance.

176. *Restriction of rule-making power in respect to corporal punishment.*—Rules made under section 175 shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment more severe than it is under any law for the time being in force relating to civil prisons in India.

CHAPTER XIV.

Pardons, Remissions and Suspensions.

177. *Pardon and remission.*—When any person subject to this Act has been convicted by a court-martial of any offence, the Central Government, the Commander-in-Chief, an air or other officer commanding a group, or the prescribed officer, may—

(*a*) either with or without conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or

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(*b*) mitigate the punishment awarded; or

(*c*) commute such punishment for any less punishment or punishment mentioned in this Act:

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court; and a sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment so awarded;

(*d*) either with or without conditions which the person sentenced accepts, release the person on parole.

178. *Cancellation of conditional pardon, release on parole or remission.*—(1) If any condition on which a person has been pardoned or released on parole or a punishment has been remitted is, in the opinion of the authority which granted the pardon, release or remission, not fulfilled, such authority may cancel the pardon, release or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon, release or remission had not been granted.

(2) A person whose sentence of transportation, imprisonment or detention is carried into effect under the provisions of sub-section (1) shall undergo only the unexpired portion of his sentence.

179. *Reduction of warrant officer or non-commissioned officer.*—When under the provisions of section 79, a warrant officer or a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purpose of section 177 be treated as a punishment awarded by a sentence of a court-martial.

180. *Suspension of sentence of transportation, imprisonment or detention.*—(1) Where a person subject to this Act is sentenced by a court-martial to transportation, imprisonment or detention, the Central Government, the Cemmander-in-Chief or any officer empowered to convene a general or a summary general court-martial may suspend the sentence whether or not the offender has already been committed to prison or to air force custody.

(2) The authority or officer specified in sub-section (1) may in the case of an offender so sentenced direct that, until the orders of such authority or officer have been obtained the offender shall not be committed to prison or to air force custody.

(3) The powers conferred by sub-sections (1) and (2) may be exercised in the case of any such sentence which has been confirmed, reduced or commuted.

181. *Orders pending suspension.*—A confirming officer may, when confirming any sentence referred to in section 180, direct that the offender be not committed to prison or to air force custody until the orders of the authority or officer specified in section 180 have been obtained.

182. *Release on suspension.*—Where a sentence is suspended under section 180, the offender shall forthwith be released from custody.

183. *Computation of period of suspension.*—Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

184. *Order after suspension.*—The authority or officer specified in section 180 may, at any time while a sentence is suspended, order—

(*a*) that the offender be committed to undergo the unexpired portion of the sentence, or

(*b*) that the sentence be remitted.

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185. *Reconsideration of case after suspension.*—(1) Where a sentence has been suspended, the case may at any time, and shall, at intervals of not more than four months, be reconsidered by the authority or officer specified in section 180, or by any air or other officer not below the rank of squadron leader duly authorised by the authority or officer specified in section 180.

(2) Where on such reconsideration by the officer so authorised it appears to him that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall refer the matter to the authority or officer specified in section 180.

186. *Fresh sentence after suspension.*—Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then—

(*a*) if the further sentence, is also suspended under this Act, the two sentences shall run concurrently;

(*b*) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed to prison or air force custody for the unexpired portion of the previous sentence, but both sentences shall run concurrently; and

(*c*) if the further sentence is for a period of less than three months and is not suspended under this Act, the offender shall be so committed on that sentence only, and the previous sentence shall, subject to any order which may be passed under section 184 or section 185, continue to be suspended.

187. *Scope of power of suspension.*—The powers conferred by sections 180 and 184 shall be in addition to and not in derogation of, the power of mitigation, remission and commutation.

188. *Effect of suspension and remission on dismissal.*—(1) Where in addition to any other sentence the punishment of dismissal has been awarded by a court-martial, and such other sentence is suspended under section 180, then, such dismissal shall not take effect until so ordered by the authority or officer specified in section 180.

(2) If such other sentence is remitted under section 184, the punishment of dismissal shall also be remitted.

CHAPTER XV

RULES

189. *Power to make rules.*—(1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the rules made thereunder may provide for—

(*a*) the removal, retirement, release or discharge from the service of persons subject to this Act;

(*b*) the amount and incidence of fines to be imposed under section 90;

(*c*) the specification of the punishment which may be awarded as field punishments under sections 77 and 82;

(*d*) the assembly and procedure of courts of inquiry, the recording of summaries of evidence and the administration of oaths or affirmations by such courts,

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(*e*) the convening and constituting of courts-martial and the appointment of prosecutors at trials by courts-martial;

(*f*) the adjournment, dissolution and sitting of courts-martial;

(*g*) the procedure to be observed in trials by courts-martial and the appearance of legal practitioners thereat;

(*h*) the confirmation, revision and annulment of, and petitions against, the findings and sentences of courts-martial;

(*i*) the carrying into effect of sentences of courts-martial;

(*j*) the forms of orders to be made under the provisions of this Act relating to courts-martial, transportation, imprisonment and detention;

(*k*) the constitution of authorities to decide for what persons, to what amounts and in what manner, provisions should be made for dependants under section 100 and the due carrying out of such decisions;

(*l*) the relative rank of the officers, junior commissioned officers, warrant officers, petty officers and non-commissioned officers of the regular Army, Navy and Air Force when acting together;

(*m*) any other matter directed by this Act to be prescribed.

190. *Power to make regulations.*—The Central Government may make regulations for all or any of the purposes of this Act other than those specified in section 189.

191. *Publication of rules and regulations in Gazette.*—All rules and regulations made under this Act shall be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Act.

192. *Repeal.*—The Indian Air Force Act, 1932 (XIV of 1932), with the exception of sections 126 to 128L thereof, is hereby repealed.

CHAPTER XVI

Transitory Provisions

193. *Definition of "British officer".*—(1) In this Chapter "British officer" means a person of non-Indian domicile holding a commission in His Majesty's Air Forces and serving in the Air Force.

(2) The expression "superior officer" in this Act shall be deemed to include a British officer.

194. *Powers of British officer.*—A British officer shall have all the powers conferred by this Act on an officer of corresponding rank or holding a corresponding appointment.

K. V. K. SUNDARAM,
Secretary.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. R. 4755—L.S. 85-49-40, dated Bangalore, the 24th July 1950.

ERRATUM.

The village of Jodi Sarjammanahalli (Serial 9 in the annexure to the Notification No. R. 3678—L.S. 85-49-26, dated 22nd June 1950), has been added on to Dodderi Hobli of Madhugiri Taluk in Tumkur District and not to Hiriyur Hobli of Hiriyur Taluk in Chitaldrug District as shown in the notification referred to.

By Order,

T. RANGAMALLIAH,

Secretary to Government,
Revenue Department.

No. T. 3104—R.T. 18-50-2, dated Bangalore, the 20th July 1950.

In exercise of the powers conferred by Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947, His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Motor Spirit Rationing Order, 1941, and to direct with reference to Rule 119 of the said Rules that notice of the same be given by publication in the *Mysore Gazette*, and by the issue of Press Note explaining its provisions, namely :—

In the Second Schedule annexed to the said Order, for the entry in the second column against

item 5, the following entry shall be substituted, namely :—

Where the Horse Power (as entered in the certificate of registration in the case of a motor vehicle or as stated in the manufacturer's specification in the case of a motor boat)		Number of units to be allotted for quarter if application is made		
Exceeds	But does not exceed	In or prior to the first month of the quarter	In the second month of the quarter	In the third month of the quarter
...	3 H.P. ...	4½	3	1½
3 H.P. ...	4 H.P. ...	7	4½	2½
4 H.P. ...	7 H.P. ...	11½	7½	4
7 H.P. ...	9 H.P. ...	13½	9	4½
9 H.P. ...	12 H.P. ...	18	12	6
12 H.P. ...	15 H.P. ...	20½	13½	7
15 H.P. ...	19 H.P. ...	22½	15	7½
19 H.P. ...	...	27	18	9

By Order of His Highness the Maharaja,

No. T. 3219—R.T. 1-49-42, dated Bangalore, the 24th July 1950.

In exercise of the powers conferred by Section 92 of the Mysore Motor Vehicles and Road Traffic Act, 1944, His Highness the Maharaja of Mysore is pleased to direct that the Motor Van No. MDC. 2550, belonging to the Sericultural Department, Government of Madras, be exempted from payment of tolls in Bangalore and Mandya Districts of Mysore State.

By Order of His Highness the Maharaja,

L. MUNISWAMY,
Secretary to Government,
Local Self-Government Department.

No. A.F. 3514—Mart. 5-50-3, dated Bangalore, the 20th July 1950.

In exercise of the powers conferred by sub-section (1) of section 6 of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), His Highness the Maharaja is pleased to make the following further amendments to the Mysore Agricultural Produce Markets Rules, 1947, the draft of the same having been previously published at page 210, Part IV of the *Mysore Gazette*, dated 8th June 1950, as required by the said Section :—

Amendments.

For rule 46 of the said Rules, the following rule shall be substituted, namely.—

"46. *Fees to be levied.*—The following fees shall be levied in the Market proper on merchandise brought into the Market for sale:—

1.	For every sack of Agricultural Produce ...	Six pies.
2.	For every cart laden with Agricultural Produce not in sacks but loose ...	Four annas.
3.	For every Motor Lorry bringing in Agricultural Produce not in sacks, but loose.	One rupee and eight annas.
4.	For every Andige of ginned or unginned cotton weighing about 10 to 15 maunds ...	Two annas.
5.	For every Andige of chillies weighing about 5 to 7 maunds.	One anna and six pies.
6.	If Agricultural Produce is brought by rail or otherwise not in sacks or Andiges but loose by conveyances other than bullock carts and motor lorries, for every six maunds ...	One anna.

By Order of His Highness the Maharaja,

No. C. 528—Co. 23-49-57, dated Bangalore, 21st July 1950.

In exercise of the powers conferred by Section 3 and Clause (a) of Sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act, No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Schedule to Notification No. C. 3130—Co., dated the 3rd October 1949 namely :—

In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Boots Pure Drug Co., (India) Ltd., Bombay, Burroughs

Welcome & Co., and Imperial Chemical Industries (India) Ltd., for the prices specified in column 2 of the said schedule, the prices specified in column 2 hereunder shall be substituted.

Boots Pure Drug Co. (India) Ltd., Bombay

	Rs.	a.	p.
Penicillin Oral tablets—Boots 50,000 units per tablet Tube of 10 Tablets	5	12	0
Penicillin Oral tablets 50,000 U. Potassium salt Bottle of 20	10	12	0

Burroughs Welcome & Co.

Sulpha Drugs

	Rs.	a.	p.
Tabloid Sulphadiazine 0·5 gm—25	4	10	0
do do 100	17	4	0
do do 500	83	12	0

Imperial Chemical Industries (India) Ltd.

Sulphanilamide tablets 0·5 gm.

	Rs.	a.	p.
Containers of 25	0	15	0
do 100	2	4	0
do 1,000	12	13	0

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,

Food and Agriculture Departments.

No. E. 4345—Uni. 81-49-2, dated Bangalore, 22nd July 1950.

Under Section 13 (1) (j) of the Mysore University Act, His Highness the Chancellor is pleased to nominate Sri M. Govinda Reddy, M.A., B.T., LL.B., Member, Mysore Legislative Assembly, as a Member of the University Senate.

By Order of His Highness the Maharaja,

A. C. NIRVANI GOWDA,

Secretary to Government,

Education Department.

No. Fl. 3371—S.T. 13-50-3, dated Bangalore, the 20th July 1950.

In exercise of the powers conferred by Section 6 of the Mysore Sales-Tax Act, 1948, (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the sale of "Electrical Energy" shall be exempt from the tax payable under the said Act throughout the State of Mysore.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

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PART IV

Section I-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION

No. L.D. 1138—Legis. 4-50-32, dated Bangalore, 19th July 1950.

Ordered that the accompanying further amendments to the Indian Telegraph Rules, 1932, published in the *Gazette of India,* dated the 27th June 1950, be republished in the *Mysore Gazette,* for general information.

By Order of
His Highness the Maharaja,
B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

NOTIFICATION

POSTS AND TELEGRAPHS

New Delhi, the 27th June 1950

S.R.O. 186.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct

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that, with effect from the 1st July 1950, the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

In the said Rules—

1. To rule 1, the following clauses shall be added, namely :—

"(s) Telecommunication means any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(t) Telegraphy means a system of telecommunication for the transmission of written matter by the use of a signal code.

(u) Telephony means a system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

(v) Telegram means a written matter intended to be transmitted by telegraphy and includes radiotelegrams."

2. For sub-rule (1) of rule 1A the following sub-rule shall be substituted, namely :—

"(1) All telegraph shall be established, maintained and worked in such a manner as not to obstruct or repeatedly interrupt any wireless telegraph service functioning within or without India, or the wireless signalling between any fixed, land or mobile stations of Indian Land, Naval or Air Forces or the wireless signalling exchanged between any fixed or mobile stations of Indian Land, Naval or Air Forces and any station abroad."

3. For rule 16, the following rule shall be substituted, namely :—

"16. *Order of Transmission.*—Inland telegrams shall be transmitted in the following order, namely :—

(a) Telegrams relating to safety of human life in maritime or aerial navigation (Rule 42-A).

(b) Most Immediate, Operations Immediate and Immediate State telegrams (Rule 50).

(c) Weather Immediate telegrams.

(d) Storm and Flood warning and Railway Immediate telegrams.

(e) State Important telegrams (Rule 51-A).

(f) State Express telegrams.

(g) State Ordinary telegrams (Rules 43 to 49).

(h) Meteorological (other than Storm and Flood warning) telegrams.

(i) Service telegrams (Rules 55 to 61).

(j) Flash Press telegrams (Rule 162-A).

(k) Express private and press telegrams.

(l) Ordinary private and press telegrams."

4. For rule 19, the following rule shall be substituted, namely :—

"19. *Language, etc.*—Inland private telegrams may be expressed in plain language or in secret language (*e.g.*, Code or Cypher), but a combination in the same telegram of figures and letters, having a secret meaning, shall not be permitted."

5. In rule 21, for the figures and word "10 characters" the figures and words "5 letters or 5 figures" shall be substituted.

6. After rule 21, the following heading and rule shall be inserted, namely :—

"SECRET LANGUAGE

21-A. Secret language is formed of :—

(*a*) Code words composed exclusively of letters having a secret meaning ;

(*b*) Cipher composed of Arabic figures or Roman letters having a secret meaning."

7. For rule 23, the following rule shall be substituted, namely :—

"23. Code words shall not contain more than 5 of the characters admissible under rule 18 and shall contain at least one vowel. The vowels are *a, e, i, o, u and y* the groups ae, aa, ao, oe, ue and ch in the code words shall be counted as two letters each.

"The name of the Code used for the wording of a secret language telegram shall be furnished by the sender if required by the office of origin or of destination which will not be charged for."

8. For sub-rule (2) of rule 25, the following sub-rule shall be substituted, namely :—

"(2) the combination of figures and letters, figures or letters and signs in one group with a secret meaning, shall not be permitted. Letter cipher shall be arranged in groups of five letters."

9. After rule 25, the following rule shall be inserted, namely :—

"25-A. Telegrams in secret language shall be charged at the ordinary or urgent rate as the case may be."

10. To rule 42-A, the following shall be added, namely :—

"Every Office which receives a telegram presented as a telegram relating to safety of life at sea or in the air, as a State telegram, as a service telegram, or as a Meteorological telegram, shall reforward it as such according top most priority at all stages."

11. In rule 43—

(i) in clause (*a*) for the word 'Crown', the word 'Government' shall be substituted.

(ii) in clause (*b*), the word "Dacca" shall be omitted.

(iii) in clause (*j*)—

(*a*) after the word "Calcutta" the word "Kanpur" shall be inserted ;

(*b*) for the word "Currency Officers" the words "Deputy Controller, Exchange Control Department" shall be substituted ;

(*c*) the words "at Karachi, Cawnpore and Lahore" shall be omitted ;

(iv) clauses (*n*), (*o*) and (*p*) shall be re-lettered as clauses (*m*), (*n*) and (*o*) respectively and for clause (*m*) as so re-lettered the following clause shall be substituted, namely :—

"(*m*) The Engineer and the subordinate in charge of the landing ground at Bhuj, provided that the telegram sent by them relate solely to matters affecting the safety of aircraft."

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12. In clause (3) of rule 47, for the word "Provincial" the word "State" shall be substituted.

13. For rule 50, the following rule shall be substituted, namely :—

"30. *Classification and order of priority for State telegrams.*—(1) The following classification indicates in descending order the priority which regulates the disposal of State telegrams :—

(i) SVH;

(ii) MOST IMMEDIATE;

(iii) OPERATIONS IMMEDIATE;

(iv) IMMEDIATE;

(v) IMPORTANT.

(2) Officers empowered to send State telegrams authorised in this behalf by the Director-General, may use these priority indications and obtain for their telegrams precedence over all telegrams of a lower indication awaiting disposal. Telegrams in the course of transmission shall not be interrupted except to prevent delay in disposal of telegrams classed "IMMEDIATE" or higher priority.

(3) These indications shall be written immediately before the address of the telegram and will be transmitted free.

(4) Telegrams bearing the same priority indication shall be disposed of in the order in which they are booked.

(5) The above priority indications shall operate in respect of telegrams to Burma, Ceylon and Pakistan and also of foreign telegrams whilst within Indian limits."

14. For rule 51, the following rule shall be substituted, namely :—

"51. *Charges.*—MOST IMMEDIATE, OPERATIONS IMMEDIATE, IMMEDIATE, WEATHER IMMEDIATE AND IMPORTANT inland telegrams shall be charged at double the rates for Express telegrams."

15. For rule 67, the following rule shall be substituted, namely :—

"67. *Plain or Secret language telegram.*—In telegrams in plain or secret language each word appearing in a standard dictionary of the admitted languages, each word in common use in one of the languages or any expression mentioned in rule 71 or authorised compound shall, for purposes of charging, be counted as single word, provided that it contains not more than 15 characters in the case of plain language and 5 characters in the case of secret language, counted in accordance with the provisions of rule 18. Words or authorised compound containing more than 15 characters shall, for purposes of charging, be counted at the rate of 15 characters to the word, plus one word for each 15 characters or fraction of 15 characters in excess."

16. Rule 68 shall be omitted.

17. In rule 75, for clause (ii) the following shall be substituted, namely :—

"Provided further that the words half anna, two annas, three annas, etc., may be written as single word subject to limitation imposed by rule 67."

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18. For rule 81-A, the following rule shall be substituted, namely :—

"81-A. In addition to the charges prescribed by any other rule in this part, a surcharge shall be levied at the rate of—

(i) one rupee on every, Important, Weather Immediate, Immediate, Operations Immediate, and Most Immediate inland telegrams;

(ii) eight annas on every Express and SVH inland telegrams; and

(iii) four annas on every other inland telegrams."

19. Rule 84-A shall be omitted.

20. In rule 84—

(*a*) For sub-rule (i), the following shall be substituted, namely :—

"(i) Inland Ordinary telegrams shall be accepted in any telegraph office between 21 hours and 8 hours (between 9 P.M. and 8 A.M. Standard time) or on Sundays and Telegraph Holidays as will be declared in this behalf by the Director-General."

(*b*) For sub-rule (ii), the following sub-rule shall be substituted, namely :—

"(ii) The booking of telegrams for offices in Burma, Ceylon, Pakistan and Portuguese India shall be subject to such restrictions as may be imposed by the Administrations concerned from time to time. These restrictions shall be notified in the Post and Telegraph Guide."

21. In rule 86—

(i) in sub-rule (1), for the words "Post Office Defence Saving Certificates, or Post Office Cash Certificates", the words "National Saving Certificates" shall be substituted;

(ii) in sub-rule (4), in the Form of Letter of Guarantee, for the words "Governor-General of India in Council", the words "President of India" shall be substituted.

22. In rule 111, the last sentence shall be omitted.

23. In rule 117—

(1) the words "and to the Telegraph Offices under the Jammu and Kashmir State" shall be omitted; and

(2) for the words "specified in or declared under rule 84-A", the following shall be substituted, namely :—

"may be declared in this behalf by the Director-General."

24. In rule 122, for the words "a Raj or" the word "an" shall be substituted.

25. In rule 141, for the words "Portuguese territory, Lhasa or in Kashmir", the words "Portuguese territory or Lhasa" shall be substituted.

26. In rule 142—

(i) in clause (*a*) for the words "John Doe, Esq." the words "Sri Krishna Ghosh" shall be substituted;

(ii) in clause (*b*) for the words "John Doe, Esq." the words "Sri krishna Ghosh" shall be substituted.

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27. In rule 156, for sub-clause (*b*) of clause (6), the following shall be substituted, namely :—

"(*b*) from a registered news agency to an officer for the time being authorised as aforesaid of the broadcasting service of Part 'B' State."

28. In rule 173, the word "Raj" shall be omitted.

29. For rule 176, the following rule shall be substituted, namely :—

"176. *State or private.*—When no doubt exists that an overcharge has been made on an inland State or Private telegram by the mistake of an official at any telegraph office, the overcharge shall be at once refunded by such office."

30. After rule 181, the following rule shall be inserted, namely :—

"181-A. Government telegrams, telegrams relating to safety of life at sea or in the air and service telegrams shall be entitled to transmission as of right."

31. In rule 183, for clauses (*i*) and (*j*), the following clause shall be substituted, namely :—

"(i) Letter telegrams".

32. In rule 184—

(1) under the heading "(*c*) *signs and punctuation, etc.*" the following entries shall be omitted, namely :—

"Underline (———)";

(2) under the heading "*Special Instructions and Conventional Signs*".

(i) the following entries shall be omitted, namely :—

"Ouvert	Ouvert	To be delivered open (Rule 286).
Telegramme differe ..	LC	Deferred telegram (Rule 303).
Telegramme de felicitations	XLT	Greeting telegrams [Rule 317 (4).]
Telegramme de ou pour la Societe des Nations.	Priority	Telegrams from or for the League of Nations (Rule 219).
Letter telegramme	DLT	Daily Letter Telegram (Rule 312).
Letter telegramme	NLT	Night Letter Telegram (Rule 315-A)."

(ii) the following entries shall be added, namely :—

"Telegramme de ou pour la Unis Nations.	Priority Nations	Telegrams from or to the United Nations (Rule 219-A).
Letter Telegramme.. ..	LT or LTF ..	Letter Telegram (Rule 319-A)."

(iii) against the word "Urgent" for the letter "D" in the second column, the word "Urgent" shall be substituted.

33. For rule 185, the following rule shall be substituted, namely :—

"185. *Language.*—Save as provided by rule 302, the text of foreign telegrams may be expressed in plain language or in secret language.

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These languages may be used alone or in combination with the other:

Provided that telegrams shall be written only in plain language if intended for transmission to countries notified in the Tariff Table of the Post and Telegraph Guide as countries which refuse to accept telegrams written wholly or partly in secret language."

34. In rule 187—

(i) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) commercial marks, trade marks, designations of goods, arbitrary technical terms used to denote machines or parts of machines, reference numbers or indications, and other expressions of the same kind, provided that these marks, designations, technical terms, reference numbers or indications, and expressions are shown in a catalogue available to the public, or in a price list, invoice, bill of lading or similar document. These marks, designations may, exceptionally, be composed of letters, figures, and signs;"

(ii) for clause (*g*), the following clause shall be substituted, namely:—

"(*g*) a single check word or check number placed at the beginning of the text and not exceeding five letters or five figures in length."

35. For rules 189, 190, 191, 192 and 193, the following rules shall be substituted, namely:—

"189. *Secret language.*—Secret language is formed of:—

(*a*) artificial words composed exclusively of letters, such words must not exceed five letters in length;

(*b*) real words not used with the meaning normally assigned to these in the language to which they belong, and consequently not forming intelligible phrases in one or more of the languages admitted for telegraph correspondence in plain language;

(*c*) Arabic figures or series of Arabic figures having a secret meaning;

(*d*) words, names, expressions or combinations of letters not fulfilling the conditions laid down for plain language;

(*e*) a mixture of the words and expressions mentioned under (*a*) and (*b*) above.

190. Words in secret language may not contain the accented letter é.

191. A combination of figures and letters, figures or letters and signs with a secret meaning, within a group, shall not be admitted. The groups indicated under rule 187 shall not be considered as having a secret meaning.

192. By secret language telegrams are meant those containing in their text one or more words in secret language.

193. Telegrams in secret language shall be charged at the ordinary or urgent rate as the case may be."

36. In the proviso to rule 196, for the word "deferred" the word "letter" shall be substituted.

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37. In rule 203-A—

(1) after the words "passengers in trains" the words "or in aircraft" shall be inserted;

(2) in clause (i) after the words "railway station" and "train" the words "or airport" and "or aircraft" respectively shall be inserted;

(3) in clause (ii) after the word "train" the words "or aircraft" shall be inserted.

38. In rule 209, for the words "an abbreviated form", the following words and brackets shall be substituted, namely:—

"an arbitrary or abbreviated form (registered address)".

39. In rule 212, after the words "true signature" the words "with full name" shall be inserted.

40. In rule 216, for the words "plain language, code or cypher" the words "plain or secret language" shall be substituted.

41. In sub-rule (*b*) of rule 218, for the words "plain language or in Code or Cypher" the words "plain or secret language" shall be substituted.

42. In rule 219, for the words "Plain language or in Code or Cypher" the words "plain or secret language" shall be substituted.

43. After rule 219, the following rules and headings shall be inserted, namely:—

"219-A. Telegrams relating to the application of the provisions of Chapters VI, VII and VIII of the United Nations Charter, exchanged in an emergency, between the President of the Security Council, the President of the General Assembly, the Secretary-General of the United Nations, the Chairman of the Military Staff Committee, the Chairman of a Regional Sub-Committee of the Military Staff Committee, a representative to the Security Council or to the General Assembly, a Member of the Military Staff Committee, the Chairman or the Principal Secretary of a Committee set up by the Security Council or the General Assembly, a person performing a mission on behalf of the United Nations, a minister member of a Government, or the Administrative Head of a trust territory designated as a strategic area shall be entitled to a priority superior to that given by rule 183 (1) (*b*) to Government telegrams with priority. These telegrams shall bear in the preamble the instructions "s Priority Nations" and the sender shall write before the address the paid service indication "—Priority Nations—". Such telegrams shall be accepted only if they bear the personal authorisation of one of the officials mentioned above.

219-B. Except in cases of special arrangements or regional agreements concluded in this behalf by the Central Government, foreign State telegrams shall be charged as ordinary private telegrams, no matter whether priority has been requested or not.

219-C. The authorities mentioned in rule 213 may send Letter Telegrams with the paid service instruction — LTF —.

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TELEGRAMS RELATING TO SAFETY OF LIFE AT SEA OR IN THE AIR

219-D. Telegrams relating to the safety of life at sea or in the air shall bear the service instructions "SVH" written by the sender or the office of origin. Every office which receives a telegram relating to the safety of life at sea or in the air, as a State telegram, as a Service telegram, or as a Meteorological telegram, shall reforward it as such according topmost priority at all stages.

TELEGRAPH SERVICE CORRESPONDENCE

219-E. Telegraph service correspondence include :—

(*a*) service telegrams ;

(*b*) service advices ;

(*c*) paid service advices."

44. For rule 220, the following shall be substituted, namely :—

"220. *Service telegrams.*—Foreign service telegram means a foreign telegram which is transmitted free on the service of a Telegraph Administration. Foreign service telegrams shall be those which are exchanged between—

(*a*) Telegraph Administrations ;

(*b*) recognised private operating agencies ;

(*c*) Telegraph Administrations and recognised private operating agencies ;

(*d*) Telegraph Administrations and recognised private agencies on one hand and the Secretary-General of the International Telecommunication Union on the other ;

and relating to international telecommunication or to subjects of public interest mutually agreed upon by the different Telegraph Administrations and/or recognised private operating agencies concerned.

(2) The Chairman of the Administrative Council, the Directors of the International Consultative Committees, the Vice-Directors of the C.C.I.R. and the Chairman of the I.F.R.B. are authorised to send free of charge telegrams relating to their own service. Such telegrams shall be considered as service telegrams."

45. In the proviso to rule 230, after the words "route indication" the following shall be inserted, namely :—

"and the name of the code used for the wording of a secret language telegram when the information is required by the office of origin or by the office of destination."

46. In rule 235—

(1) In clause (ii), after sub-clause (*d*), the following sub-clause shall be inserted, namely :—

"(*e*) the name of the mobile station of destination, completed, if necessary, by the call sign of the station, or by any other particulars when this name does not appear in the appropriate list."

(2) Clause (v) shall be omitted.

(3) Clause (vi) shall be renumbered as clause (v).

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47. For rules 236 and 237, the following rules shall be substituted, namely :—

"236. *Plain or Secret language telegrams.*—In foreign telegrams in plain or secret language, each word appearing in a standard dictionary of one of the admitted languages each word in common use in one of those languages or any expression mentioned in rules 244 and 247, shall, for the purposes of charging, be counted as a single word, provided that it contains not more than 15 characters counted in accordance with the provisions of rule 184. Words containing more than 15 characters shall, for purposes of charging, be counted at the rate of one word for each complete 15 characters or fraction of 15 characters in excess.

237. Words not fulfilling the conditions in rule 236 and groups of letters, figures and signs indicated in rules 242 and 243, shall be fixed at 5 characters to a word as the maximum length and counted in accordance with the provisions of rules 184, 230, 231, 232, 235, 242, 243, 244, 247 and 248."

48. Rules 238, 239, 240 and 241 shall be omitted.

49. To rule 242, the following shall be added, namely :—

"(*a*) Nevertheless a fraction bar, a hyphen or dash written in accordance with rule 184 (*b*) shall not count as a character even when the sender has written them on the form.

(*b*) Names of telegraph offices and of land and mobile stations, names of towns, countries and smaller divisions of territory, may be grouped in a single word, which shall be counted in accordance with the provisions of rule 238."

50. In rule 243—

(*a*) after the words "Groups of figures or of letters," in the first paragraph, the words "signs, or a mixture thereof," shall be inserted, and

(*b*) after clause (ii), the following clause shall be inserted, namely :—

"(iii) the multiplication sign (×) replaced in transmission by the letter X, shall be counted as one character in the group in which it appears."

51. For rule 244, the following rule shall be substituted, namely :—

"244. *Use of Apostrophes and Hyphens.*—Save as provided in rule 251, words separated or joined by apostrophe, a hyphen or fraction bar shall be counted as a separate word unless they appear in a standard dictionary of one of the admitted languages in which case the accepting clerk shall join the parts into a single word, deleting the apostrophe, hyphen or fraction bar and for the word count shall apply the provisions of rule 236."

52. For rule 245, the following rule shall be substituted, namely :—

"245. *Counting of words in the signature.*—(1) Each word in the signature shall be counted at the rate of fifteen characters to a word, *plus* one word for each fifteen characters or fraction of fifteen characters in excess.

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(2) When, however, an arbitrary word, other than an arbitrary or abbreviated address appears in the signature, such a word shall be counted at the rate of five characters to a word, *plus* one word for each five characters or fraction of five characters in excess.

(3) If the signature is followed by names of telegraph offices and land and mobile stations as defined in rules 206 and 235, name of towns, countries, and smaller divisions of territory may be grouped in a single word, which shall be counted in accordance with the provisions of rule 236."

53. After rule 247, the following rule shall be inserted, namely :—

"247-A. *Indication of the number of words in the Preamble.*—(1) In the case of difference between the number of words reckoned according to the rules for charging and the number of actual words (including isolated letters and figures, groups of letters, figures and signs), a fraction shall be used, the numerator indicating the number of words reckoned according to the rules for charging and the denominator, the number of actual words.

(2) This rule shall apply specially :—

(*a*) to a telegram containing words mentioned under rule 236 of more than 15 characters,

(*b*) to groups of figures or letters as defined in rules 242 and 243 containing more than 5 characters;

(*c*) to the case contemplated in rule 245 (2)."

54. In rule 248—

(1) after the words "by the telegraph office" the words "or mobile station" shall be inserted,

(2) the words "in plain language or a mixed telegram containing plain language and cypher" shall be omitted,

(3) after the second paragraph, the following paragraph shall be inserted, namely :—

"In the application of this rule and also rules 184 (*f*) (*e*), 235—244 and 247, a ship shall be regarded as forming part of the territory of the Government to which it is subject."

55. In rule 252, the following shall be omitted, namely :—

"The business is *very urgent*, come *without delay* (8 words and 2 underlines) . . . 10"

56. For rule 253, the following rule shall be substituted, namely :—

253. *Charge by the word.*—The charge for a foreign telegram shall be at a specified rate per word, except as provided in rules 299, 311 and 317 (2). Such rates per word to different foreign countries shall be notified in the *Post and Telegraph Guide.*

NOTE.—The rates for foreign telegrams are dependent upon the rates fixed by different countries and recognised operating agencies in their transmission and are, therefore, liable to vary with those rates and also with the exchange value of the gold franc in terms of the rupee all accounts with Foreign Telegraph Administration being settled in terms of the gold franc."

57. Rule 254 shall be omitted.

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58. In rule 256, for clauses (*a*), (*b*), (*c*) and (*d*), the following clauses shall be substituted, namely :—

"(*a*) Bombay, exchanging telegrams with the Overseas Communication Service, Bombay,

(*b*) Calcutta, exchanging telegrams with the Overseas Communications Service, Bombay,

(*c*) Madras, exchanging telegrams with the Overseas Communication Service, Madras,

(*d*) New Delhi, exchanging telegrams with the Overseas Communication Service, New Delhi."

59. For rules 265 to 269, the following rules shall be substituted, namely :—

265. The sender may give instructions for the routing of his telegram by a concise or abbreviated indication.

266. The sender who wishes to prescribe the route to be followed shall write the appropriate indication on the form of his telegram or, if the procedure is admitted by the Administration of origin, may use a telegram form including a printed indication of the route to be followed.

267. When the sender has prescribed the route to be followed, the offices concerned shall be bound to conform to his instructions unless the route indicated be interrupted, or is well known to be congested, in which case the sender may not object to the use of another route.

268. If, on the other hand, the sender has not prescribed the route to be followed each office from which the routes diverge, shall decide by which route the telegram shall be forwarded.

269. Except as provided in rule 270 below, when a telegram can be forwarded at the same rate of charge by two or more routes operated entirely by the same Administration or the same recognised private operating agency, the Administration or the recognised private operating agency, as the case may be, shall decide in the best interests of the senders by which route private telegrams shall be forwarded. The senders cannot, in that case specify the use of one of these routes.

60. In rule 273, after the words and brackets "or by post (*registered*, if possible)" the following shall be inserted, namely :—

"The letter forwarded by post must bear the inscription "Express Telegram"."

61. In rule 276, after the words "shall be at once refunded", the following shall be inserted, namely :—

"except for press telegrams a fee of not more than Re. 0-11-6 shall be collected and retained by the telegraph office concerned."

62. For rule 284, the following rule shall be substituted, namely :—

"284. *Delivery on Ships.*—Foreign telegrams addressed to passengers in a ship or aircraft may be delivered to the representatives of the shipping line or of the air line. If the ship is entering port, the telegram shall be delivered preferably to the addressee himself, before disembarkation as far as this is practicable and does not entail expense (for boat hire, for example)."

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63. In rule 285, for the words "porter of" the words "receiving officer at" shall be substituted.

64. Rule 286 shall be omitted.

65. In rule 296, after the word "transmission and delivery" the words "with a minimum of five chargeable words" shall be added and the last sentence shall be omitted.

66. For the heading "Deferred Foreign Telegrams" and rules 298 to 309 the following heading and rules shall be substituted, namely :—

"LETTER TELEGRAMS

298. "*Letter Telegram*" means a foreign telegram accepted for transmission at a reduced rate to any place notified in this behalf in the *Post and Telegraph Guide* on conditions that the transmission of such telegram may, if necessary, be deferred in favour of full rate telegrams and ordinary press telegrams.

299. Letter telegrams shall be distinguished by the paid service indication "—LT—".

300. Letter telegrams sent by one of the authority mentioned in Rule 213, or replies to telegrams sent by those authorities, may bear the paid service indication "—LTF—" and shall enjoy the same rate and shall be subject, as regards acceptance, transmission and delivery, to the same conditions as letter telegrams bearing the paid service indication "—LT—". However, the rules relating to stoppage of private telegrams (Rule 181-A), shall not apply to '—LTF—' letter telegrams.

301. *Charge.*—The charge for a foreign letter telegram shall be half the charge per word prescribed under rule 253 for an ordinary foreign telegram. The minimum number of chargeable words for letter telegrams shall be twenty-two.

302. *Language.*—(1) The text of letter telegrams must be expressed wholly in plain language (Rules 186, 187, 244 and 247).

(2) However, in a money order telegram or a postal Cheque telegram transmitted as a letter telegram the amount of the money order or postal cheque may be replaced officially by code words.

303. Registered addresses shall be accepted when occurring in a context which makes their character clear (Rule 209).

304. (1) If asked to do so by the office of origin, the sender must sign on the telegram form a declaration categorically stating that the text is expressed wholly in plain language and bears no meaning other than that which appears on the face of it. The declaration must indicate the language or languages in which the telegram is expressed.

(2) In the case of money order telegrams and postal cheque telegrams the declaration is required only if the official text is followed by a private message.

305. *Special Instructions.*—(1) The only special instructions admitted in letter telegrams shall be the following : prepaid reply, redirection to any other address, multiple addresses, communicate all addresses, post, registered post, *poste restante*, telegraph *restant and*

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de luxe telegrams. The corresponding paid service indications: (—RPX—, redirected from—, —TMX—, —CTA—, —Poste—, —PR—, —GP—, —TR—, and —LX—) shall be charged at the reduced rate.

(2) Telegraphic redirection shall be carried out, after the deletion or alteration, if necessary, of the indication —LT— or —TF— according to the rates in force and the classes of service admitted in relation between the Administration of redirection and the Administration of destination.

306. *Order of Transmission.*—Letter telegrams shall be transmitted after the transmission of all full rate or ordinary press telegrams awaiting transmission at the telegraph office concerned.

307. *Delivery.*—The delivery of a Letter telegram (—LR— or—LTF—) shall not be effected until on the morning (after 8 O'clock Local time) of the second day following the day on which the telegram was presented at the telegraph office concerned.

308. Radio-telegrams and semaphore telegrams shall not be accepted as letter telegrams.

309. *Application of full rates to irregular Telegrams.*—When the telegraph office of destination observes that a letter telegram, worded in a language other than those of the Administration of origin, does not comply with the conditions laid down in rules 302 and 303, it may collect from the addressee supplementary charge corresponding to the difference between the cost of an ordinary telegram and that of a letter telegram."

67. For the heading "Daily Letter Telegrams" and rules 310 to 315 the following heading and rules shall be substituted, namely :—

"PHOTOTELEGRAMS

310. *Phototelegrams* shall be accepted at all large telegraph offices in India at the rates and conditions and for places abroad as shall be notified in this behalf by the Director-General in the *Post and Telegraph Guide.*

311. By "phototelegram" is meant anything which can be transmitted by phototelegraphic apparatus. Senders of phototelegrams shall avoid the use of the colours blue, lilac, green or yellow, or gilt print or pictures, etc., on yellow, red or grey paper which lack the qualities necessary for good transmission. Phototelegrams must be rectangular in shape.

312. Every phototelegram must bear an address which may be written on an ordinary foreign telegram form, the transmission of which shall be free of charges. The address written on the phototelegram shall form part of the area of the phototelegram to be transmitted.

313. No responsibility shall be accepted for the quality or durability of phototelegrams received."

68. The heading "Night Letter Telegrams" and rules 315-A, 315-B and 315-C thereunder shall be omitted.

69. The heading "Greeting Telegrams" and rules 316 to 320 thereunder shall be omitted.

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70. In rule 324, for the words "during the period of validity of the voucher" the words "within four months of the date of issue of the voucher" shall be substituted.

71. For rule 328, the following rule shall be substituted, namely :—

"328. (1) Collation shall consist in full repetition of the telegram (including the preamble) (Rule 130).

(2) Uuless otherwise specified in these rules the sender of a telegram shall have the right to request its collation.

(3) Save as otherwise provided by rule 330 the charge for collation shall be equal to half the charge for an ordinary telegram of the same length for the same destination sent by the same route, fractions of half anna being reckoned as half an anna. The sender shall write before the address the special instructions "collation" or — TC —"

72. In rule 330, for the words "code or cypher" the words "Secret language" shall be substituted.

73. In rule 345—

(i) for the last sentence the following shall be substituted, namely :—

"The person giving such notice shall state therein whether he wishes the redirected telegrams to be transmitted by ordinary, express (in the case of inland) or urgent* (in the case of foreign) telegram, and shall be responsible for any charges that may be incurred under this rule :

Provided that an urgent or ordinary telegram may be redirected as a letter telegram and *vice versa*.

Provided further that if the person wishing redirection of the telegram requests that it be transmitted in a category for which the rate is higher, he shall be required to pay the corresponding charge. If necessary the office which accedes to such a request shall delete the original special instruction and, if necessary, shall insert the new special instruction."

74. In rule 346, the following shall be omitted, namely :—

"No charge shall however be levied for redirection within Indian limits of private telegrams addressed to officials of Indian States by official designation only."

75. In rule 353, for the first sentence, the following shall be substituted, namely :—

"Each copy of a foreign multiple telegram delivered shall bear its own particular address only preceded, if necessary, by one of the special instructions: "— D —", "—SEM", "— Press", "— LT", or "— LTF —", as the case may be."

76. In Clause (g) of rule 376, for the words "deferred, daily letter, greetings" the word "Letter" shall be substituted.

77. In rule 377—

(i) for the word "manager" the words "authorised representatives" shall be substituted;

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(ii) after the word " newspaper " the word " periodical " shall be inserted ;

(iii) after the word " news agency " the words " or bereau " shall be inserted ;

(iv) after the words "broadcasting station" the following shall be inserted, namely :—

"/company/organisation".

78. In rule 379—

(i) in clause (1)—

(a) after the " news agency " the words " or bureau " shall be inserted,

(b) after the words " broadcasting station " the following shall be inserted namely :—

"/company/organisation".

(ii) in the proviso to clause (2) for the figures " 10 " and " 5 " the figures " 20 " and " 10 " respectively shall be substituted.

(iii) after clause (6), the following clause shall be inserted, namely :—

"(7) *Minimum number of words.*—The minimum numbers of chargeable words for press telegrams shall be 10."

79. In rule 381—

(i) after the words " news agency " the words " or bureau " shall be inserted ;

(ii) after the words " broadcasting station " the followiing shall be inserted, namely :—

"/company/organisation".

80. In rule 397—

(a) in Clause (e)—

(i) after the brackets and figures " (1) " for the figures, words, brackets and letters " 18 hours in case of foreign State (Government) telegrams with priority, urgent telegrams, paid service advices, full rate telegrams, CDE " the following shall be substituted, namely :—

" 12 hours in case of full rate telegrams " ;

(ii) after the brackets and figures " (2) " for the figures " 36 " the figures " 24 " shall be substituted ;

(iii) after the words " the sender has " for the words " not renounced " the word " requested " shall be substituted ; and

(iv) after the words " on the part of the sender " the following shall be inserted, namely :—

" For letter telegrams, the period shall be reckoned from the time when the letter telegrams should normally have been delivered."

(b) in clause (f), for the words " in Code of Cypher or of a telegram in plain language " the words " in plain or secret language " shall be substituted ;

(c) in clause (j) for the words " period of three months " the words " period of four months " shall be substituted.

81. In rule 408 the word "British" shall be omitted.

82. In rule 416 the word "British" shall be omitted.

83. For rule 417, the following rule shall be substituted, namely :—

"417. In the case of meteorological radio-telegrams sent to or received from Ships at Sea containing exclusively meteorological observations or meteorological forecasts, both the coast station charge and the charge for inland transmission shall be reduced by one-half. Such radio-telegrams shall commence with the paid service indications. "—OBS—".

84. In rule 422, for clause (e) the following clause shall be substituted, namely :—

"(e) Letter telegrams".

[No. T-62/50.]
A. V. PAI, *Secy.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION. 847

No. L.D. 1139—Legis. 4-50-33, dated Bangalore, the 19th July 1950.

Ordered that the accompanying Railway Accidents (Compensation) Rules, 1950, published in the *Gazette of India*, dated the 1st July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, 27th June 1950

S.R.O. 211.—In exercise of the powers conferred by Section 82J of the Indian Railways Act, 1890 (IX of 1890), the Central Government is pleased to make the following rules :—

PART I.

PRELIMINARY.

1. *Short title.*—(1) These rules may be called the Railway Accidents (Compensation) Rules, 1950.

(2) They shall come into force on the first day of July 1950.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(*a*) "Act" means the Indian Railways Act, 1890 (IX of 1890) ;

(*b*) "Commissioner" means a Claims Commissioner appointed under section 82B of the Act ;

(*c*) "major accident" means an accident of the nature described in section 82A of the Act :—

(*a*) which according to the report of the accident made to the Central Government by the Railway administration concerned has resulted in the death of more than ten passengers or in more than twenty casualties ; or

(*b*) which the Central Government by order published in the Official Gazette declares to be a major accident.

Explanation.—For the purpose of this clause a 'casualty' means the death or partial disablement or total disablement of any passenger.

(*d*) "minor accident" means an accident which is not a major accident ;

(e) "partial disablement" and "total disablement" have the meanings respectively assigned to them in the Workmen's Compensation Act, 1923 (VIII of 1923);

(f) "schedule" means the schedule to these rules;

(g) "section" means a section of the Act.

PART II.

QUALIFICATIONS AND CONDITIONS OF SERVICE OF CLAIMS COMMISSIONERS.

3. *Qualifications of Commissioners.*—A person shall not be qualified for appointment as a Claims Commissioner unless he—

(a) is, has been or is qualified for appointment as a Judge of a High Court; or

(b) is, or has exercised the powers of a District Judge, a Joint Judge or an additional District judge; or

(c) is, or has exercised the powers of a District Magistrate or an additional District Magistrate.

4. *Appointment of Claims Commissioners.*—(1) The Central Government may appoint any District Judge or District Magistrate as an *ex-Officio* Claims Commissioner for enquiring into and determining claims arising out of a minor accident occurring in the area within the jurisdiction of such District Judge or District Magistrate.

(2) In the case of a major accident, the Central Government shall appoint a person who is qualified under rule 3 as an *ad hoc* Claims Commissioner.

(3) Where an *ad hoc* Claims Commissioner appointed under sub-rule (2) has ceased to function, all additional and further claims arising out of the major accident may be preferred to the *ex-officio* Claims Commissioner appointed under sub-rule (1) for the area in which the accident occurred.

5. *Conditions of service.*—(1) A Commissioner appointed to enquire into and determine claims arising out of a major accident shall be paid such remuneration and such travelling and other allowances as may be determined by the Central Government.

(2) A Commissioner appointed to inquire into and determine claims arising out of a minor accident shall be paid such travelling and other allowances as are admissible to him under the rules governing his conditions of service.

PART III.

RATES OF COMPENSATION.

6. *Amount of Compensation.*—(1) The amount of compensation payable in respect of death or for injuries causing partial disablement or total disablement shall be at the rates set out in the schedule.

(2) In case of a partial disablement arising out of an injury not specified in Part II of the Schedule, such percentage of the compensation payable in the case of a total disablement as is proportionate to the loss of earning capacity permanently caused by the injury, shall be payable:

Provided that where more than one injury is caused by the same accident compensation shall be payable in respect of each injury but so that the aggregate

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amount of compensation does not exceed the amount which would have been payable if a total disablement had resulted from such injuries:

Provided further that where compensation has been paid for any injury which is less than the amount which would have been payable as compensation if the injured person had died and that person subsequently dies as a result of the injury, a further compensation equal to the difference between the amount payable and that already paid shall become payable.

7. *Compensation for loss of goods and animals.*—Compensation for loss, destruction or deterioration of goods or animals shall be paid to such extent as the Commissioner in the circumstances deems reasonable, provided that such compensation together with any compensation payable for personal injury shall not, in respect of any one person, exceed the limit specified in sub-section (2) of Section 82-A.

PART IV.

PROCEDURE FOR DETERMINATION OF CLAIMS.

8. *Introductory.*—Save as otherwise provided in these rules, the procedure to be followed by a Commissioner in determining claims for compensation under the Act shall be regulated in accordance with the rules contained in this part.

9. *Information regarding accidents.*—As soon as a Commissioner is appointed, the General Manager or other executive head of the Railway Administration concerned shall furnish the Commissioner with the following information:—

(*a*) a complete list of the passengers killed or injured as a result of the accident, together with the names and addresses of such passengers;

(*b*) a statement of the injuries sustained by the passengers who are injured signed by the medical authority attending on such passengers;

(*c*) the number of unidentified bodies, together with a brief description of each such body.

10. *Assessors.*—(1) In an enquiry into a major accident the Commissioner may call in the aid of assessors, not exceeding two in number, who possess any technical or special knowledge with respect to any matter before the Commissioner.

(2) An assessor shall perform such functions as the Commissioner may direct.

(3) The remuneration, if any, to be paid to an assessor shall in every case be determined by the Commissioner and be paid by him as part of the expenses of the execution of the Act.

11. *Applications.*—(1) Every application under Section 82C for payment of compensation under Section 82A shall contain the following particulars:—

(i) Whether the person in respect of whom compensation is claimed was a passenger in the train which met with the accident.

(ii) The nature of the injuries sustained by such person (in case of death the date of death).

(iii) The age of the injured person or of the deceased.

(iv) The monthly income of the injured person or of the deceased.

(v) Particulars of any animal or goods lost, destroyed or deteriorated as a result of the accident.

(vi) The amount of compensation claimed.

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(2) Every such application shall be sent to the Commissioner by regis or may be presented to him or to any of his subordinates authorised by hi behalf and, if so sent or presented, shall, unless the Commissioner otherwi be made in duplicate and shall be signed by the applicant.

(3) There shall be appended to every such application a certificate, wh be signed by the applicant, to the effect that the statement of facts contain application is to the best of his knowledge and ability true.

12. *Examination of applicant.*—On receiving an application under rul Commissioner may examine the applicant upon oath, and the substance examination shall be reduced to writing and shall be signed by the Commis

13. *Summary dismissal of application.*—The Commissioner may, sidering the application and the statement, if any, of the applicant record rule 12, summarily dismiss the application, if, for reasons to be recorded, opinion that there are not sufficient grounds for proceeding therewith.

14. *Notice to opposite party.*—If the application is not dismiss rule 13, the Commissioner shall send to the Railway Administration from w applicant claims relief (hereinafter referred to as the opposite party), a co application, together with a notice of the date on which he will dispose of t cation, and may call upon the parties to produce upon that date any evide they may wish to tender.

15. *Appearance and examination of opposite party.*—(1) The oppo may, and if so required by the Commissioner, shall, at or before the first h within such time as the Commissioner may permit, file a written statemen with the claim raised in the application, and any such written statement part of the record.

(2) If the opposite party contests the claim, the Commissioner may, written statement has been filed, shall, proceed to examine him upon the c shall reduce the result of the examination to writing.

16. *Framing of issues.*—After considering any written statement and of any examination of the parties, the Commissioner shall ascertain w material propositions of fact or of law the parties are at variance, and sh upon proceed to frame and record the issues upon which the right decisi case appears to him to depend.

17. *Determination of issues.*—After framing the issues the Commissio proceed to record evidence thereon which each party may desire to produce.

18. *Method of recording evidence.*—The Commissioner shall m memorandum of the substance of the evidence of every witness as exami the witness proceeds, and such memorandum shall be written and sign Commissioner with his own hand and shall form part of the record:

Provided that, if the Commissioner is prevented from making such dum, he shall record the reason of his inability to do so and shall c memorandum to be made in writing from his dictation and shall sign the such memorandum shall form part of the record:

Provided further that the evidence of any medical witness shall be ta as nearly as may be word for word.

19. *Local inspection.*—(1) The Commissioner may at any time d course of an inquiry before him visit the site at which the accident occur

aking a local inspection or examining any persons li
tion relevant to the proceedings.

party or the representative of any party may accompany t
local inspection.

Commissioner, after making a local inspection, shall note briefly
any facts observed, and shall show the memorandum to any part
to see the same, and shall supply any party with a copy thereof.

memorandum shall form part of the record.

wer of summary examination.—(1) The Commissioner during a local
at any other time, save at a formal hearing of a case pending before
amine summarily any person likely to be able to give information relating
, whether such person has been or is to be called as a witness in the
and whether any or all of the parties are present or not.

oath shall be administered to a person examined under sub-rule (1).

iary.—The Commissioner shall maintain under his hand a brief diary of
ngs on an application.

Reasons for postponement to be recorded.—If the Commissioner finds it
to dispose of an application at one hearing, he shall record the reasons
ssitate the postponement.

udgment.—The Commissioner, in passing orders, shall record concisely in
the finding on each of the issues framed and his reasons for such

Summoning of witnesses.—If an application is presented by any party to
ings for the citation of witnesses, the Commissioner shall, on payment
ribed expenses and fees, if any, issue summonses for the appearance
nesses, unless he considers that their appearance is not necessary
decision of the case.

Appearance of legal practitioner.—A Commissioner may, in his discretion,
party to appear before him through a legal practitioner.

Receipt for compensation.—Upon payment of compensation a receipt shall
by the Commissioner and such receipt shall be forwarded to the General
other executive head of the Railway Administration concerned fol
record.

Code of Civil Procedure to apply in certain cases.—In so far as these rules
provision or make insufficient provision, the Commissioner shall follow
dure laid down in the Code of Civil Procedure, 1908 (V of 1908) for the
its.

Savings.—Notwithstanding anything contained in these rules in the case
accident, a Commissioner may follow such summary procedure as he

SCHEDULE

(*See Rule 6*) S'82

PART I.

Compensation for death or total disablement.

Where the monthly salary, or in the absence of a monthly salary, the average monthly income at the time of the accident of the person killed or injured was	Amount of compensation (*a*) for death	Amount of compensation (*b*) for total disablement
	Rs.	Rs.
nil or not exceeding Rs. 20 ...	900	1,300
exceeding Rs. 20 but not exceeding Rs. 30 ...	1,300	1,900
" Rs. 30 " " Rs. 40 ...	1,800	2,500
" Rs. 40 " " Rs. 50 ...	2,200	3,200
" Rs. 50 " " Rs. 60 ...	2,600	3,800
" Rs. 60 " " Rs. 70 ...	3,200	4,400
" Rs. 70 " " Rs. 80 ...	3,600	5,000
" Rs. 80 " " Rs. 100 ...	4,500	6,300
" Rs. 100 " " Rs. 200 ...	5,200	7,400
" Rs. 200 " " Rs. 500 ...	7,000	8,500
" Rs. 500 " " Rs. 1,000 ...	8,000	10,000
" Rs. 1,000 " "	10,000	10,000

PART II.

Compensation for partial disablement.

Where the nature of the disablement is	Amount of compensation expressed as a percentage of the amount payable under Part I for total disablement
loss of right arm above or at the elbow ...	70
" " left " " " " ...	60
" " right " below the elbow ...	60
" " leg at or above the knee ...	60
" " left arm below the elbow ...	50
" " leg below the knee ...	50
permanent total loss of hearing ...	50
loss of one eye ...	30
loss of thumb ...	25
loss of all toes of one foot ...	20
loss of one phalanx of thumb ...	10
loss of index finger ..	10
loss of great toe ...	10
loss of any finger other than index finger ...	5

Explanation.—Complete and permanent loss of the use of any limb or member referred to in this Part shall be deemed to be equivalent to the loss of that limb or member.

[893-TG.]

S. S. RAMASUBBAN, *Secy.*

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NOTIFICATION.

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No. L.D. 1185—Legis. 6-50-22, dated Bangalore, the 25th July 1950.

Ordered that the accompanying Notification No. 14 (118) Cus/50, dated the 3rd July 1950 of the Ministry of Rehabilitation, under the Administration of Evacuee Property Act, 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

NOTIFICATION.

Dated the 3rd July 1950.

No. 14 (118) Cus/50. In exercise of the powers conferred by Section 52 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), and in supersession of the notification of the Government of India in the Ministry of Rehabilitation No. 14 (118) Cus/50, dated 10th May 1950, the Central Government is pleased to exempt the following classes of persons from the operation of sub-clause (i) of clause (d) of Section 2 of the said Act, namely :—

(*a*) Any person who on or after the 1st day of March 1947 migrated from India to Pakistan but has returned to India before the 18th day of July 1948 and has settled therein :

Provided that such person has not subsequently visited Pakistan except in the circumstances and subject to the conditions specified in clause (*b*).

(*b*) Any person who has left or leaves for Pakistan on a temporary visit taking with himself a "No objection to return" certificate, and has returned, or returns, to India under a valid permit issued under the influx from Pakistan (Control) Act, 1949, for permanent return to India :

Provided that such person has not made any other journey to Pakistan except in similar circumstances and subject to the same conditions.

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(c) Any person who has come from Pakistan to India before the 18th day of October 1949, under a valid permit issued under the Influx from Pakistan (Control) Act, 1949, for permanent resettlement in India :

Provided that.—

(1) no member of the family of such person wholly dependent upon his earnings for the provision of the ordinary necessaries of life has after his return remained behind in Pakistan with his approval or consent ;

(2) such person has not subsequently left for Pakistan except in the circumstances and subject to the conditions specified in clause (b) ; and

(3) no member of the family of such person herein before described has subsequently left for Pakistan with his approval or consent.

2. Nothing in this notification shall apply to any person who has settled in Pakistan and has been visiting India merely for the purpose of looking after his property or other interests.

V. D. DANTYAGI,

Joint Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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NOTIFICATION.

No. 1890—Cts. 205-49-2, dated Bangalore, the 29th July 1950.

Under Clause 1 of Article 299 of the Constitution of India, His Highness Sri Jaya Chamaraja Wadiyar Bahadur, Rajpramukh of Mysore, is pleased to direct that all contracts and all assurances of property made in the exercise of the executive power of the Government of Mysore shall be executed on his behalf by the Secretary to the Government of Mysore in the Department relating to the subject matter of the said contracts and assurances of property. This cancels the previous Notification No. 6750—Cts. 205-49-1, dated 18th March 1950.

By Order of the Rajpramukh of Mysore,

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. T. 3270—R.T. 3-50-4, dated Bangalore, the 25th July 1950.

In exercise of the powers conferred by Section 83 of the Mysore Motor Vehicles and Road Traffic Act, 1944, His Highness the Maharaja of Mysore, is pleased to direct that the Motor Vehicle No. MY 1652 X belonging to the Indian Coffee Board, Bangalore, be exempted from payment of taxes leviable under the said Act.

By Order of His Highness the Maharaja,

L. MUNISWAMY,

Secretary to Government,
Local Self-Govt. Department.

No. A. F. 3676—C.S. 14-50-2, dated Bangalore, 25th June 1950.

In exercise of the powers conferred by Section 69 of the Mysore Co-operative Societies Act, 1948 (Mysore Act No. LII of 1948), His Highness the Maharaja of Mysore is pleased to direct that the provisions of sub-section (1) of Section 33 of the said Act, shall apply to the Mysore Provincial Co-operative Apex Bank, Limited, Bangalore City, subject to the modification that the said Bank, may make loans to any person other than a member,

(1) on the security of debentures issued by the Mysore Co-operative Land Mortgage Bank. Limited, Bangalore City;

(2) on the security of promissory notes, debentures, stock or other securities of the Government of India or any State Government or debentures or other securities for money both the principal whereof and the interest whereon shall have been fully and unconditionally guaranteed by any such Government;

subject to the following conditions, namely,

(a) the maximum duration of the loan shall not exceed two years ; and

(b) the amount of loan shall not exceed eighty per cent of the face value of the securities or debentures.

This order shall be deemed to have come into force on the 7th October 1949, and shall remain in force till the 30th September 1952.

By Order of His Highness the Maharaja,

No. S.D. 2741—C. 25-49-56, dated Bangalore, the 24th July 1950.

In exercise of the powers conferred by Rule 81 (2) of the Defence of India Rules, as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), and in supersession of all the notifications issued from time to time in this behalf, His Highness the Maharaja of Mysore is pleased to order as follows :—

No transport of casuarina fuel from one place to another in the District of Bangalore and in Malur Taluk, Kolar District, will be allowed, except under a Permit issued by the Special Officer, Fuel Supplies, Bangalore.

2. Transport of fuel other than casuarina into the limits of Bangalore City Corporation should however be covered either by a Permit duly issued by the Forest Department in the case of forest fuel, Mafi-pass from the local Amildar in the case of private holdings, or permit from the Special Officer, Fuel Supplies, Bangalore, in the case of voluntary supplies to the Special Officer, Fuel Supplies, Bangalore, or to the Mysore National Contractors and Suppliers Company, Bangalore.

3. Where a permit for transport of fuel is issued by the Special Officer, Fuel Supplies, as above, it will not be necessary to obtain also a Mafi-pass from the Amildar of the concerned Taluk, as required by Notification No. G. 1568—Ft. 138-33-3, dated 21st—27th August 1935, and the permit issued by the Special Officer, Fuel Supplies, shall be deemed to be a pass for the purpose of the Notification, dated, 21st—27th August 1935.

4. It is further directed with reference to sub-rule (1) of Rule 119 of the said Rules that notice of this Order shall be given by the publication of the same in the Official Gazette.

By Order of His Highness the Maharaja,

No. S.D. 2760 –C. 25-49-57, dated Bangalore, the 24th July 1950.

In exercise of the powers conferred by Rule 81 (2) of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that, in supersession of all the previous Notifications issued from time to time on the subject, fuel shall be sold at the following rates in the Corporation of the City of Bangalore, by persons licensed to deal in fuel by the Rationing Officer, Bangalore or any other Officer authorised by the Director of Food Supplies in Mysore, Bangalore, in this behalf and to direct further with reference to Rule 119 of the said Rules, that notice of this Order shall be given by publication in the Official Gazette:—

			Per Rupee.
1.	(*a*) Casuarina (*b*) Kamara (*c*) Dindiga (*d*) Jambe	... ...	Split $2\frac{1}{4}$ maunds Unsplit $2\frac{1}{2}$ maunds
2.	Junglewood	... ...	Split 3 maunds Unsplit $3\frac{1}{2}$ maunds
3.	Junglewood—hard (Received from the Districts of Hassan, Mysore and Shimoga).	... ...	Split $2\frac{3}{4}$ maunds Unsplit $3\frac{1}{4}$ maunds

By Order of His Highness the Maharaja,

No. S.D. 2764—C. 25-49-58, dated Bangalore, the 24th July 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that in supersession of Notification No. SD. 2913—C. 117-44-109, dated 10—12th November 1945, no firewood shall be accepted at any railway station in the Mysore State for booking to the Corporation of the City of Bangalore or to any station in the Bangalore District unless it is consigned to the Special Officer, Fuel Supplies, or to the Mysore National Contractors and Suppliers Company, Bangalore, or unless the consignment is covered by a valid permit issued by the Special Officer, Fuel Supplies, Bangalore. No firewood shall be accepted for booking at any Railway Station in the Bangalore District to places outside the District, unless such transport is covered by a valid permit issued by the Special Officer, Fuel Supplies, Bangalore.

2. It is further directed with reference to sub-rule (1) of Rule 119 of the said Rules that notice of this Order shall be given by the publication of the same in the Official Gazette.

By Order of His Highness the Maharaja,

No. C. 581—Co. 23-49-59, dated Bangalore, the 29th July 1950.

In exercise of the powers conferred by Section 3 and clause (*a*) of sub-section (1) of Section 4 of the Mysore Drugs (Control) Act, 1950, Mysore Act No. VI of 1950, His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In the schedule annexed to the said notification.—

(1) To the entries under the heading "Boots Pure Drug Co. (India) Ltd.," the following entries shall be added, namely :—

		Rs.	a.	p.
Penicillin Crystalline G—				
Vials containing 1,000,000 I.U.	...	4	13	0
Penicillin Oral Tablets—				
1,00,000 Units Bottle of 20	...	15	6	0

(2) To the entries under the heading "Allen and Hanburys, Ltd.," the following entry shall be added, namely :—

Insulin A.B. 800 units 10 c.c.	...	Rs. 9 1 0

(3) To the entries under the heading "Imperial Chemical Industries (India) Ltd.," the following entries shall be added, namely :—

Sulphanilamide Tablets (0·5 gm.)—

Containers of 30	...	Rs. 1 1 6
,, 500	...	Rs. 7 13 0

(4) To the entries under the heading "The Upjohn Company, U.S.A.," the following entry shall be added, namely :—

Berubigen Refined—

20 c.c. vials, each vial containing 150 micrograms of Vitamin B 12	...	Rs. 20 0 0

(5) The following headings and entries shall be added, namely :—

"*Messrs. Chas. Pfizer & Co., Inc., New York*" and "*Messrs. Merck & Co., Inc., U.S.A.*"—

		Rs.	a.	p.	
Dihydrostreptomycin—1 gram vial	...	5	8	0	per gram
Penicillin Crystalline Sodium—					
Vial of 1,00,000 units	...	1	4	0	
,, 2,00,000 units	...	1	9	0	
,, 5,00,000 units	...	3	8	0	
,, 10,00,000 units	...	7	5	0	

MESSRS. MERCK & CO., LTD., CANADA.

Dihydrostreptomycin Sulphate—					
1 gm. vial	...	4	12	0	per vial
5 gm. vial	...	20	12	0	,,
Penicillin G. Crystalline Sodium—					
100,000 unit vials	...	1	4	0	,,
200,000 ,,	...	1	8	0	,,
500,000 ,,	...	3	8	0	,,
10,00,000 ,,	...	6	0	0	,,

MESSRS. CHAS. PFIZER & CO., INC., NEW YORK.

Procaine Penicillin G. Crystalline in oil with 2% aluminium monostea rate "Pfizer"—				
Vial of 1 c.c.—300,000 units	...	4	8	6
Vial of 10 c.c.—300,000 units per c.c.	...	35	0	0
"Pronapen"—Crystalline Procaine Penicillin G. for aqueous injection with buffered sodium penicillin G. "Pfizer".—				
Vials of 400,000 units	...	7	0	6
Penicillin Tablets Potassium Salt Buffered "Pfizer—				
50,000 units each—box of 12 tablets	...	7	0	6
100,000 units each— ,,	...	13	12	0
Penicillin Troches Potassium Salt Pfizer—				
10,000 units	...	5	5	0

By Order of His Highness the Maharaja,

No. S.D. 2931—C. 74-49-17, dated Bangalore, the 29th July 1950.

In supersession of Government Notifications noted below, His Highness the Maharaja of Mysore is pleased to direct that the retail sale prices of rice and millets issued by Government be fixed as under, uniformly throughout the State, *with effect from 1st August* 1950:—

1. No. S.D. 1762—C. 54-48-2, dated 4th September 1948.
2. No. S.D. 9457—C. 54-48-33, dated 25—26th April 1949.

		Retail per rupee.
1. Rice—I quality	...	2 1/4 seers.
II ,,	...	2 3/4 ,,
2. Millets (Ragi, Jola, Bajra, Navane, Haraka, Save and Milo)	...	4 3/4 ,,

By Order of His Highness the Maharaja,

A. S. KHALEEL,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

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PART IV

Section 1-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 1218—Legis. 3-50-6, dated Bangalore, 29th July 1950.

Ordered that the accompanying Marking of Heavy Packages Bill 1950, (39 of 1950) published in the *Gazette of India*, Part II—Section 2, dated the 15th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

PARLIAMENT SECRETARIAT.

NOTIFICATION

New Delhi, the 11th July 1950.

No. F. 152-I/50-L.—Under Rule 55 of the Rules of Procedure and Conduct of Business in Parliament, the Speaker has been pleased to order the publication in the *Gazette of India* of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information :—

BILL No. 39 OF 1950.

A Bill to give effect to the International Convention drawn up in Geneva on the 30th day of May, 1929, for the marking of weight on heavy packages transported by sea or inland water-ways.

BE it enacted by Parliament as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Marking of Heavy Packages Act, 1950.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "heavy package" means a package or other object weighing not less than one metric ton, which is equal to one thousand kilogrammes or 2204·6 standard pounds or 26·8 standard maunds ;

(b) "inland water-way" means any canal, river, lake or other navigable water in India.

3. *Obligation to mark weight on heavy packages.*—Every person consigning a heavy package for transport by sea or inland water-way from any place in India shall have marked thereon plainly and conspicuously the gross weight of the package.

4. *Penalty.*—(1) If any person contravenes the provisions of section 3, he shall be punishable with fine which may extend to five hundred rupees.

(2) If the person contravening the said provisions is a company or other body corporate, every director, manager or secretary thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

5. *Power to make rules.*—The Central Government may, by notification in the Official Gazette, make rules—

(a) specifying the conditions as to the manner of marking of all heavy packages, the manner of packing and the type of covering to be used ;

(b) specifying the circumstances in which the approximate weight of heavy packages instead of their correct weight may be stated.

STATEMENT OF OBJECTS AND REASONS.

The Convention concerning the Marking of the Weight on Heavy Packages transported by Vessels adopted by the International Labour Conference in 1929 has been ratified by India. The Convention requires that any package or object of one thousand kilogrammes (one metric ton) or more gross weight consigned within the territory of any Member country for transport by sea or inland water-way should have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel. This will prevent heavy unmarked packages from being lifted by mechanical means which are intended for smaller loads. The purpose of the Bill is to give effect to the Convention in India.

SRI PRAKASA.

NEW DELHI,

The 17th June 1950.

M. N. KAUL, *Secretary.*

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section I-C

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NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. 7204—C.B. 168-50-1, dated Bangalore, the 7th August 1950.

The following Notification No. 10-8-50—Judicial, dated 1st August 1950, by the Ministry of Home Affairs, Government of India, is republished for information :—

"In exercise of the powers conferred by clause (1) of Article 217 of the Constitution, the President is pleased to appoint Sri Baily Vasudeva Murthy, B.A., LL.B., at present Advocate-General, Mysore State, to be a Judge of the Mysore High Court, with effect from the date he assumes charge of his office.

(Sd.) E. C. GAYNOR,

Deputy Secretary to the Government of India.

By Order of His Highness the Maharaja.

(HOME DEPARTMENT).

No. H. 4391—Pol. 86-50-5, dated Bangalore, the 8th August 1950.

The following Notification No. 9/101/49—Police (1), dated 29th July 1950 of the Government of India, Ministry of Home Affairs, is published for general information.

* * *

In exercise of the powers conferred by Section 17 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely :—

In Rule 7 of the said rules,

clause (*b*) of sub-rule (1) and sub-rule (2) shall be omitted.

* * *

By Order of His Highness the Maharaja,

K. SRINIVASAN,

Chief Secretary to Government.

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No. L.D. 1214—Legis. 6-50-25, dated Bangalore, 29th July 1950.

Ordered that the accompanying Notification No. S.R.O. 225 dated 8th July 1950, of the Ministry of Commerce, under the Indian Tea Control Act, 1938, published in the *Gazette of India*, Part II, Section 3, dated the 8th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja.

MINISTRY OF COMMERCE

TEA CONTROL.

New Delhi, the 8th July 1950.

S.R.O. 225.—In exercise of the powers conferred by the proviso to section 13 of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government is pleased to alter the Indian export allotment of tea for the financial year 1950-51, as declared in the notification of the Government of India in the Ministry of Commerce, No. 202 (1) Law (Tea)/50, dated the 27th May 1950, to 452, 720, 021 pounds avoirdupois, being one hundred and thirty per cent, of India's standard export figure.

[202(1) Law (Tea)/50.]

M. A. MULKY, Dy. Secy.

No. L.D. 1215—Legis. 4-50-34, dated Bangalore, 29th July 1950.

Ordered that the accompanying Notification No. S.R.O. 224 dated 8th July 1950, of the Ministry of Commerce, further amending the Indian Tea Control Rules, 1938, published in the *Gazette of India*, Part II, Section 3, dated the 8th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja.

MINISTRY OF COMMERCE

TEA CONTROL.

New Delhi, the 8th July 1950.

S.R.O. 224.—In exercise of the powers conferred by section 23 of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Tea Control Rules, 1938, namely :—

For clause (c) of rule 4 of the said Rules, the following clause shall be substituted, namely :—

"(c) Where tea areas are replaced in pursuance of clause (b) of the proviso to section 26 or where permission to plant tea on land not

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previously planted with tea is granted under section 29 of the Act, no addition to crop basis under this rule shall be made in respect of the area concerned."

[217(1)-Law (Tea)/50]

M. A. MULKY, Dy. Secy.

No. L.D. 1216—Legis. 4-50-35, Bangalore, dated 29th July 1950.

Ordered that the accompanying Notification No. S.R.O. 235, dated 19th June 1950 of the Ministry of Rehabilitation, further amending the Permit System Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 8th July 1950, be republished in the *Mysore Gazette*, for general, information.

By Order of His Highness the Maharaja.

MINISTRY OF REHABILITATION.

New Delhi, the 19*th June* 1950.

S.R.O. 235.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government is pleased to direct that the following further amendments shall be made in the Permit System Rules, 1949, namely :—

I. In the said Rules—

(1) For sub-clause (a) of clause V of rule 2, the following shall be substituted, namely :—

"(a) In the Presidency-towns of Greater Bombay, Madras, and Calcutta, the Commissioner of Police and a Deputy Commissioner of Police".

(2) For rule 9, the following rule shall be substituted, namely :—

"9. In the case of a permit for temporary visit, only the place which the applicant wants to visit first shall be shown in the permit. The permit holder shall, within 24 hours of his arrival in India, report to the Police Station having jurisdiction over the area where the place of visit mentioned in his permit is situated and shall also report to the same Police Station at least 24 hours before he finally leaves that Station *en route* to Pakistan. If the permit holder is permitted, under rule 26, by the Superintendent of Police of the District which he is permitted to visit, to visit any other place, he shall similarly report his arrival at, and departure from that place, to the nearest Police Station. The Superintendent of Police who permits a temporary permit holder to visit any place other than that specified in the permit, shall send an intimation of such visit to the Superintendent of Police of the place which the permit holder is permitted to visit".

II. In Appendix III to the said Rules, in Part I, for the existing conditions, the following conditions shall be substituted, namely :—

"*CONDITIONS*

1. (a) The permit holder must proceed and return *via*..... ..... check post direct to and from the place of visit in India stated in the permit.

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(b) The permit holder shall, within 24 hours of his arrival in India, report to the Police Station having jurisdiction over the area where the place of visit mentioned in his permit is situated and shall also report to the same Police Station atleast 24 hours before he finally leaves that station *en route* to Pakistan (*vide* Rule No. 9).

2. If the permit holder wishes to visit other places in India, he should obtain permission of the Superintendent of Police of the place first visited and thereafter intimate his arrival and departure to each place visited, to the nearest Police Station (*vide* Rules 9 and 26).

3. At the time of re-entry into Pakistan, this permit should be surrendered to the Indian check post (*vide* Rule No. 18)."

[No. III/PMT (X)-13/50-N-9.]

V. D. DANTYAGI,
Jt. Secretary.

No. L.D. 1217—Legis. 4-50-36, Bangalore, dated 29th July 1950.

Ordered that the accompanying S.R.O. 237, dated 4th July 1950 of the Ministry of Communications, further amending the Indian Telegraph Rules, 1932, published in the *Gazette of India*, Part II, Section 3, dated the 8th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 4th July 1950.

S.R.O. 237.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely :—

In the said Rules, rules 52, 53, 53-A and 54 shall be omitted.

[T-37/50.]

A. PAI,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

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No. L.D. 1255—Legis. 4-50-37, dated Bangalore, the 8th August 1950.

Ordered that the accompanying Representation of the People (Preparation of Electoral Rolls) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 26th July, 1950.

S.R.O. 306.—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government, after consulting the Election Commission, is pleased to make the following Rules, namely :—

THE REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS) RULES, 1950.

PART I

PRELIMINARY

1. *Short title and commencement.*—(1) These Rules may be called the Representation of the People (Preparation of Electoral Rolls) Rules, 1950.

(2) They shall come into force at once.

2. *Definitions.*—In these Rules, unless the context otherwise requires—

(*a*) "Act" means the Representation of the People Act, 1950;

(*b*) "Chief Electoral Officer" means the officer appointed by the State Government to perform the functions of a Chief Electoral Officer under these rules;

(*c*) "Constituency" means a Parliamentary constituency, an Assembly constituency or a Council constituency;

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(*d*) "Form" means a form appended to these rules and includes any translations thereof in any language specified in the Eighth Schedule to the Constitution;

(*e*) "Revising Authority" means such person or persons as the State Government or an officer appointed by them in that behalf may, subject to any general or special instructions issued by the Election Commission, appoint in writing to perform all or any of the functions of the Revising Authority under these rules in respect of a constituency or part of a constituency.

PART II

Preparation of Electoral Rolls

3. *Electoral roll.*—There shall be prepared for every constituency an electoral roll in which shall be included the names of all persons appearing to be entitled to be registered therein. It shall be published in the constituency together with a notice specifying the mode in which and the time within which claims for inclusion in the roll or objections to any names or particulars entered in the roll are to be preferred.

4. *General conditions for registration in the electoral roll.*—Every person shall be entitled to have his name included in the electoral roll for a constituency if he is entitled to be registered in such roll under the provisions of the Act.

5. *Notice inviting statements under section 20 of the Act.*—(1) In the case of an electoral roll first prepared under the Act, the Chief Electoral Officer for the State shall, as soon as may be after the commencement of these rules, and in the case of every electoral roll subsequently prepared under the Act, the Chief Electoral Officer for the State shall, before the preparation of such roll is taken in hand, cause a notice in Form I to be published inviting every person who—

(i) is a member of the Armed Forces of the Union, or

(ii) is holding any such office as is referred to in sub-section (4) of section 20 of the Act, or

(iii) is employed under the Government of India in a post outside India,

and desires to be registered in the electoral roll for the constituency in that State in which, but for his service in the Armed Forces or but for the holding of any such office or employment, as the case may be, he would have been ordinarily resident during the qualifying period or on the qualifying date, to submit the statement referred to in sub-section (5) of that section to the Electoral Registration Officer of the said constituency within the time to be specified in that behalf in the notice. Every such statement shall be in Form II and shall be verified in the manner specified in the Form.

(2) As soon as may be after the commencement of these rules, the Chief Electoral Officer shall, for the purpose of the preparation of the electoral rolls to be first prepared under the Act, cause a notice in Form III to be published inviting every person referred to in sub-section (7) of section 20 of the Act who desires to be registered in the electoral roll for any constituency other than the constituency in which he was resident on the twenty-fifth day of July, 1949, to submit to the Electoral Registration Officer of the constituency in the

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State in which he desires to be registered within the time to be specified in that behalf in the notice a statement in Form IV specifying the constituency in the State in which he so desires to be registered.

(3) Every notice issued under sub-rule (1) or sub-rule (2) shall be published in such manner and at such place as the Election Commission may direct, and the time to be specified in the notice within which the statement is to be submitted shall not be less than twenty-one days from the publication of the notice.

6. *Form and language of electoral roll.*—The electoral roll for each constituency shall be prepared in such form and in such language or languages as the Election Commission may direct.

7. *Division of constituency into electoral areas.*—The Electoral Registration Officer may divide a constituency into electoral areas for the purpose of facilitating the preparation of the electoral roll for the constituency, and so much of the roll as relates to an electoral area may be separately prepared.

8. *Information from, and access to, birth and death registers for the purpose of registration of electors and decision of claims and objections.*—For the purpose of the preparation of any electoral roll, or for the determination of any claim or objection to any electoral roll, an Electoral Registration Officer, a person employed by him under sub-section (2) of section 22 of the Act, and any Revising Authority shall have access to any register of births and deaths maintained under any law for the time being in force, and it shall be the duty of every person in charge of any such register to give to the said officer, person or authority such information and such extracts from the said register as he may require.

9. *Publication of draft electoral rolls.*—The electoral roll for every constituency shall be published by the Electoral Registration Officer at such place and in such manner as the Election Commission may direct.

10. *Notice inviting claims and objections.*—(1) Simultaneously with the publication of the electoral roll under rule 9, a notice shall be published in like manner in Form V, calling upon persons entered in the roll to lodge in the manner herein prescribed any objection they may have to make to the roll as published and calling upon persons claiming to be entered on the roll to lodge their claim in the manner herein prescribed. Such notice shall specify for each constituency or electoral area the Revising Authority to whom and the place at which and the time referred to in sub-rule (2) within which any such claim or objection may be preferred.

(2) Every such claim or objection shall be made in Form VI, Form VII or Form VIII, whichever may be appropriate, within a period of 21 days from the date of the publication of the electoral roll under rule 9:

Provided that the Election Commission may, in the case of persons to whom the provisions of sub-section (7) of section 20 of the Act apply, by notification in the Official Gazette, extend in respect of any constituency or part of a constituency the said period of 21 days by such period as it may deem fit.

(3) A claim or objection shall be addressed to the Revising Authority and shall either be presented to the Revising Authority specified in the notice referred to in sub-rule (1), or to the Electoral Registration Officer or to such other officer as may be designated in that behalf by the Election Commission within the period specified in or under sub-rule (2) or be sent by post to the Revising Authority so as to reach him within the said period.

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(4) A claim or objection which is not lodged within the period specified in or under sub-rule (2), or is lodged otherwise than in the manner herein prescribed or by a person not entitled to lodge the same, shall be rejected.

11. *Particulars regarding claims and objections.*—(1) A claim shall be signed either by the person desiring his name to be included in an electoral roll or by an agent authorised in writing by such person and, unless it is sent by post, shall be presented either by such person personally or by such agent.

(2) When objection is made to the inclusion in the electoral roll of any person whose name appears therein, or to any particular in any entry in the roll, such objection shall contain in respect of such person or entry, as the case may be, all the particulars entered in the roll.

(3) No person shall prefer an objection to the inclusion of any name in the electoral roll for a constituency unless his name is already included in the electoral roll for that constituency.

(4) No application for the transfer of a name from the electoral roll of one constituency to that of another constituency shall be entertained. If any person desires such a transfer, he shall prefer an objection to the inclusion of his name in the former roll, and a second and a separate claim for the registration of his name in the latter roll.

(5) When a claim is preferred by a member of the Armed Forces of the Union or by any person holding any office in India declared by the President to be an office to which the provisions of sub-section (4) of section 20 of the Act apply or by any person who is employed under the Government of India in a post outside India, for the registration of his name or that of his wife in the electoral roll for a constituency in which but for his service in the Armed Forces or but for his holding of any such office or employment, as the case may be, he would have been ordinarily resident during the qualifying period or on the qualifying date, it shall be accompanied by a statement in Form II signed and verified by the claimant himself.

(6) When a claim is preferred by any such person as is referred to in sub-section (7) of section 20 of the Act desiring to be registered in the electoral roll for any constituency other than the constituency in which he was resident on the twenty-fifth day of July, 1949, it shall be accompanied by a statement in Form IV signed by himself.

12. *Claims by Electoral Registration Officer.*—(1) The Electoral Registration Officer may, within the period specified in or under sub-rule (2) or rule 10, make an application to the Revising Authority specified in the notice referred to in sub-rule (1) of that rule for the inclusion in or the exclusion from the electoral roll of the names of any persons to whom the provisions of sub-section (3), sub-section (4), sub-section (6) or sub-section (7) of section 20 of the Act apply.

(2) The Electoral Registration Officer shall, within the period specified in or under sub-rule (2) of rule 10, make an application to the Revising Authority specified in the notice referred to in sub-rule (1) of that rule for the making of any corrections in the electoral roll—such as, the removal of duplicate entries or the expunging of the names of persons who are dead or subject to any legal incapacity—which he considers necessary for the preparation of a complete and accurate roll.

(3) The Revising Authority shall serve on each of the persons affected by the application made under sub-rule (1) or sub-rule (2), a notice specifying in

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the case of an application under sub-rule (1) the grounds on which the inclusion or exclusion of the name has been desired, and specifying in the case of an application under sub-rule (2) the correction which it is proposed to make in the roll and every such notice shall also specify the place where, and the time when, objections to the application so made will be heard :

Provided that no such notice shall be served where the Revising Authority is *prima facie* satisfied that the application should be granted, or where the application is one for the correction of a clerical or a printing error.

13. *Register of claims and objections.*—A register of claims and objections shall be maintained by the Revising Authorities, the Electoral Registration Officers and other officers authorised to receive claims and objections under sub-rule (3) of rule 10.

14. *Notice of claims or objections.*—(1) Except in the case where the Revising Authority is *prima facie* satisfied as to the validity of a claim, every person whose claim or objection is received in time shall be served with a notice in Form IX by the Revising Authority, specifying the place where, and the time when, his claim or objection will be heard and directing him or his agent to be present with such evidence as he may wish to adduce.

(2) When objection is made by any person to the inclusion of the name of any other person in an electoral roll, the Revising Authority shall, except in the case where such authority is *prima facie* satisfied as to the validity of the objection, serve on such other person a notice in Form X giving the grounds on which the inclusion of his name has been objected to, and requiring such person or the agent of such person to attend at the place and the time fixed for the hearing of the objection.

15. *Transfer of claims and objections.*—Subject to such instructions as may from time to time be issued in this behalf by the Election Commission, a Revising Authority to whom any claim or objection has been preferred or before whom any claim or objection is pending for disposal, may transfer such claim or objection for disposal to any other Revising Authority competent to perform such duties and having jurisdiction in the electoral area to which the electoral roll in respect of which such claim or objection has been preferred relates, and the Revising Authority to whom any claim or objection has been so transferred shall proceed in accordance with the provisions of these rules and dispose of such claim or objection.

16. *Service of notice.*—Every notice issued by the Revising Authority shall, if possible, be served personally, and in default of personal service, shall be served by registered post or by affixing a copy thereof at the residence or the last known residence within the constituency of the person concerned. A certificate of service, either personal or otherwise, shall be deemed to be conclusive proof of the fact of such service.

17. *Inquiry into claims and objections by the Revising Authority.*—The Revising Authority shall hold a summary inquiry into the claim or objection preferred and shall record his decision. He shall also, after considering any verbal or written objections that may be preferred, decide on any application made by the Electoral Registration Officer under sub-rule (1) or sub-rule (2) of rule 12 for the inclusion or exclusion of any name in or from the electoral roll or for corrections to the roll. For the purpose of the inquiry the roll as published under rule 9 shall be presumed to be correct.

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18. *Decision of the Revising Authority regarding claims and objections.*—(1) The decisions of the Revising Authority shall be final. Every such decision shall be communicated to the Electoral Registration Officer who shall cause the electoral roll to be amended in accordance therewith.

(2) The Revising Authority shall also direct the Electoral Registration Officer to correct any clerical or printing errors which the Revising Authority may himself discover in the roll. The Electoral Registration Officer or any person employed by him under sub-section (2) of section 22 of the Act may also correct any mis-spelling which he may discover in the electoral roll after the decision of the Revising Authority has been communicated to the Electoral Registration Officer.

19. *Final publication of electoral rolls.*—The electoral roll so amended shall be republished in the manner specified in rule 9 and, where it is an electoral roll first prepared under the Act, shall come into force immediately upon such republication, and, where it is an electoral roll subsequently prepared under the Act, shall come into force on the 1st day of October immediately succeeding such republication :

Provided that if for any reason an electoral roll for any constituency or part of a constituency is in any year not republished before the 1st day of October next after the qualifying date by reference to which that roll is prepared, the electoral roll shall come into force immediately upon its republication.

20. *Revision of electoral rolls after final publication in special cases.*—(1) When the Election Commission directs the revision of the electoral roll of any constituency under clause (a) of section 25 of the Act, the roll shall be revised by the preparation of a list containing additions to, omissions from, or alterations in, such roll, and all the provisions of these rules shall apply in the case of every such list in like manner as they apply in the case of electoral rolls :

Provided that the Election Commission may direct such modification in any of the prescribed Forms as it may consider necessary for the purpose of such revision.

(2) Any person whose name is not included in the electoral roll of a constituency for the time being in force and who is entitled to be registered therein may, at any time after the roll is finally published and before the constituency is called upon to elect, apply to the Election Commission for an amendment of the roll by the inclusion of his name therein, and if the Election Commission is satisfied, after such notice and such inquiry as it thinks fit, that the applicant is entitled to be registered therein, the Election Commission may direct the amendment of the electoral roll by inclusion therein of an entry relating to the applicant :

Provided that an application under this sub-rule shall not be entertained if it is not accompanied by a fee of rupees fifty, which shall in no case be refunded.

(3) When any list is republished under sub-rule (1) or a direction is issued under sub-rule (2), the electoral roll to which such list or direction relates shall be deemed to have been revised accordingly.

21. *Striking off of names of persons disqualified for voting and reinstatement of such names after removal of such disqualification.*—(1) If the

disqualification for voting incurred by any person whose name has by reason thereof been struck off the electoral roll under sub-section (2) of section 16 of the Act be removed during the period the said electoral roll is in force under section 24 of the Act, the name of such person shall forthwith be reinstated in that electoral roll.

(2) The Electoral Registration Officer shall make the correction referred to in sub-section (2) of section 16 of the Act or the reinstatement referred to in sub-rule (1) in such number of copies of the electoral roll in his custody as may be specified under sub-rule (3) of rule 24, and shall also in every case cause such correction or reinstatement to be made forthwith in all other copies. Every correction or reinstatement so made or caused to be made in an electoral roll shall be initialled and dated by the person who makes the correction or reinstatement, and the electoral roll in which such correction or reinstatement is made shall thereupon be deemed to have been amended accordingly.

22. *Annual preparation of electoral rolls.*—(1) After the electoral rolls first prepared under the Act have been republished under rule 19, the Election Commission may, for the purpose of any subsequent annual preparation of the electoral roll for any constituency under section 23 of the Act, direct the preparation of a list of amendments to the electoral roll for such constituency for the time being in force for its publication under rule 9, and the provisions of rules 3 to 8 (both inclusive) shall so far as they are applicable apply in the case of such preparation of the list in like manner as they apply in the case of the preparation of electoral rolls.

(2) When any such list of amendments to an electoral roll for a constituency has been so prepared, the electoral roll for such constituency for the time being in force together with the list of amendments thereto so prepared shall be published under rule 9 and shall be deemed to be the electoral roll prepared for that constituency, and the provisions of rules 10 to 19 (both inclusive) shall so far they are applicable apply in the case of every such roll (including the list of amendments) in like manner as they apply in the case of electoral rolls first prepared under the Act.

(3) When a list of amendments is prepared for any constituency under the foregoing provisions of this rule, it shall not be necessary to reprint the entire roll but the list of amendments only need be printed.

Provided that the Election Commission may, if it deems it expedient so to do, direct that the entire roll along with the list of amendments shall be printed as a single roll.

23. *Simultaneous preparation of electoral rolls for Parliamentary and Assembly constituencies.*—(1) It shall be lawful to combine the preparation and publication of electoral rolls for the Parliamentary constituencies and the Assembly constituencies in the same State.

(2) Where any addition, omission, alteration or other amendment is made under the Act or these Rules in the electoral roll of an Assembly constituency or a Parliamentary constituency, a similar amendment shall be made in the corresponding electoral roll of a Parliamentary constituency or an Assembly constituency, as the case may be.

PART III

875-

Custody and Preservation of Electoral Rolls and other Election Papers connected Therewith

24. *Custody and preservation of electoral rolls, etc.*—(1) Three complete copies of the preliminary electoral roll for each constituency and all statements submitted to the Electoral Registration Officer under rule 5 shall be kept in the office of the Electoral Registration Officer of the constituency, or at such other place as the State Government may by order specify for a period of one year unless their retention for a longer period is ordered by the State Government.

(2) All claims and objections to any preliminary electoral roll and the decisions of the Revising Authority thereon shall be kept in the office of the Electoral Registration Officer of the constituency to which such roll relates or at such other place as the State Government may by order specify until the completion of the next annual preparation of the electoral roll for such constituency.

(3) Such number of copies of the final electoral roll for each constituency as may be specified by the State Government shall be kept in the office of the Electoral Registration Officer of the constituency to which such roll relates or at such other place as the said Government may by order specify until the final publication of the next electoral roll for such constituency.

(4) One complete copy of the final electoral roll for each constituency shall be kept for permanent deposit in such place as the State Government may by order specify.

(5) All copies of the final electoral roll for each constituency deposited under sub-rule (3) or the copy of the final electoral roll for each constituency deposited under sub-rule (4) shall before deposit be duly authenticated by the Electoral Registration Officer of such constituency.

(6) Printed copies of the final electoral roll for any constituency in excess of the number required for preservation under sub-rules (3) and (4) shall be deposited in such place as the State Government may direct. Spare copies of the electoral roll so deposited shall be available for sale to the public until the final publication of the next electoral roll for the constituency to which it relates and thereafter such rolls may be disposed of in such manner as the authority with whom they are deposited may direct.

(7) Every person shall have a right to inspect the election papers referred to in sub-rules (1), (2) and (3) and to get attested copies thereof on payment of such fees as may be fixed by the State Government.

FORM I

NOTICE

(*Rule 5*) 876

For the purpose of preparation of the electoral rolls for the Parliamentary constituencies, the Assembly constituencies and the Council constituencies in the State of ..... every person who is a member of the Armed Forces of the Union or is holding any office in India declared by the President to be an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950 (XLIII of 1950), apply or is employed under the Government of India in a post outside India and who desires to be registered in the electoral roll of a constituency in.....State in view of the provisions contained in sub-section (3), or sub-section (4) of the said section, or whose wife desires to be registered in the electoral roll of the said constituency in view of the provisions contained in sub-section (6) of the said section, is invited to submit a statement in Form II through the appropriate officer so as to reach the Electoral Registration Officer of the said constituency not later than the ..... day of .....195 .

..... (Place) Chief Electoral Officer

Dated..... of.....

NOTE.—Copies of Form II will be supplied free by the Chief Electoral Officer or by the Electoral Registration Officer of the constituency concerned on application.

The Representation of the People Act, 1950.

Section 20.—(3) A member of the Armed Forces of the Union while living in any barrack, building or place belonging to, or provided by, the Government shall not be deemed to be ordinarily resident in the constituency within which such barrack, building or place is situate, but shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for his service in the Armed Forces, he would have been ordinarily resident during that period or on that date.

(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, or any person who is employed under the Government of India in a post outside India, shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for the holding of any such office or employment, he would have been ordinarily resident during that period or on that date.

(6) The wife of any such person as is referred to in sub-section (2) or sub-section (4) shall, if she be ordinarily residing with such person during any period, be deemed to be ordinarily resident during that period in the constituency specified by such person under sub-section (5).

FORM II

877

STATEMENT BY A MEMBER OF THE ARMED FORCES OR BY AN OFFICER HOLDING AN OFFICE IN INDIA DECLARED BY THE PRESIDENT TO BE AN OFFICE THE HOLDER OF WHICH WILL BE DEEMED TO BE ORDINARILY RESIDENT IN THE CONSTITUENCY WHERE, BUT FOR THE HOLDING OF SUCH OFFICE, HE WOULD HAVE BEEN ORDINARILY RESIDENT, OR BY A PERSON EMPLOYED UNDER THE GOVERNMENT OF INDIA IN A POST OUTSIDE INDIA.

(*Rules* 5 *and* 11)

I* ———————— son/wife/daughter of ————————

serving in
———————— †holding the office of ————————
employed in

declare that, but for my service in the Armed Forces/holding such office/holding such employment, I would ordinarily have resided at No.———— Street———————Ward No.———————— Town———————in village/Ward ———————— of‡———————— District———————— of the State———————— ((during §———————within the qualifying period, that is, from the 1st day of———————19— to the———————— day of———————— 19—. I also declare that I am a citizen of India, that I was not less than 21 years of age on the qualifying date, that is, the 1st day of March 19 [and that my wife@ ————————, who ordinarily resided with me during————————within the aforesaid qualifying period is also a citizen of India and was also not less than 21 years of age on the qualifying date, the said 1st day of March 19])) [[on the qualifying date that is, the 1st day of April, 19—. I also declare that I am a citizen of India.]]

The above particulars are true and correct in all respects.

Signature in full.

..... (Place)

Dated.....

((Not for Council constituencies.))
[Strike off if not necessary.]
[[For Council constituencies only.]]
* Here insert full name.
† Here insert the name of Regiment/office/post.
‡ Here insert Taluk, Union, Municipality, Zail, Thana or any other local area.
§ Here enter any period of 180 days within the qualifying period.
@ Here insert full name.

878

VERIFICATION BY THE OFFICER-IN-CHARGE OF THE REGIMENT OR BY THE HEAD OF THE OFFICE OR BY A DIPLOMATIC OR CONSULAR REPRESENTATIVE OF INDIA

I have verified the statement made above and found the same to be correct.

I have satisfied myself that the declarant is a citizen of India under article ——————of the Constitution [and his wife is a citizen of India under article ——————of the Constitution. She also ordinarily resided with the declarant during the period above-mentioned].

Signature and official designation of Officer-in-Charge of the Regiment/Head of the Office/ Diplomatic or Consular Representative.

.....(Place)

Dated.....

[ ] Strike off if not necessary.

NOTE (1).—This statement should be made in duplicate in the case of a member of the Armed Forces of the Union. One copy should be retained in the Regimental Headquarters or the office of the Verifying Officer and the other should be forwarded by the Verifying Officer to the Chief Electoral Officer of the State along with the list of persons eligible to be enrolled in all constituencies within that State.

NOTE (2).—Any person, who makes a false declaration, or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

The Representation of the People Act, 1950.

Section 21.—*Meaning of "qualifying date" and "qualifying period".*—For the purpose of this Part, the qualifying date and the qualifying period,—

(*a*) in the case of electoral rolls first prepared under this Act shall be the 1st day of March, 1950, and the period beginning on the 1st day of April, 1947, and ending on the 31st day of December, 1949, respectively; and

(*b*) in the case of every electoral roll subsequently prepared under this Act, shall be the 1st day of March of the year in which it is prepared, and the year immediately preceding that year, respectively.

FORM III

NOTICE

(*Rule 5*) 879

For the purpose of preparation of the electoral rolls for the Parliamentary constituencies, Assembly constituencies and Council constituencies, in the State of.....every person who is a citizen of India and has migrated from the territory of Pakistan into the territory of India before the 25th day of July 1949, on account of disturbances or fear of disturbances in his former place of residence and who desires to be registered in the electoral roll for a constituency in ..... State other than the constituency in which he was resident on the said date in accordance with the provision contained in sub-section (7) of section 20 of the Representation of the People Act, 1950 (XLIII of 1950), is invited to submit a statement in Form IV to the Electoral Registration Officer of the constituency in which he desires to be registered so as to reach him not later than the ..... day of ..... 195 .

..... (Place)

Dated.....

Chief Electoral Officer

.....State.

NOTE.—Copies of Form IV will be supplied free by the Chief Electoral Officer or the Electoral Registration Officer of the constituency concerned on application.

The Representation of the People Act, 1950.

Section 20.—(7) For the purpose of the electoral rolls first prepared under this Act, a person who is a citizen of India and has migrated from the territory of Pakistan into the territory of India before the 25th day of July, 1949, on account of disturbances or fear of disturbances in his former place of residence shall be deemed to have been ordinarily resident during any period or on any date in the constituency in which he was resident on the said day or, if any other constituency is specified by him in this behalf in the prescribed form and manner, in that other constituency.

FORM IV

880

STATEMENT BY A PERSON WHO IS A CITIZEN OF INDIA AND HAS MIGRATED FROM THE TERRITORY OF PAKISTAN INTO THE TERRITORY OF INDIA BEFORE THE 25TH JULY, 1949, ON ACCOUNT OF DISTURBANCES OR FEAR OF DISTURBANCES IN HIS FORMER PLACE OF RESIDENCE, SPECIFYING THE CONSTITUENCY IN WHICH HE SHOULD BE DEEMED TO BE ORDINARILY RESIDENT FOR THE PURPOSE OF REGISTRATION IN THE ELECTORAL ROLL FOR THAT CONSTITUENCY.

(Rules 5 and 11)

I* ..... son of / wife of/daughter of ..... declare that I am a citizen of India under clause (a) and sub-clause (i)/sub-clause (ii) of clause (b) of article 6 of the Constitution, ((that I was not less than 21 years of age on the 1st day of March, 1950)) and that I have migrated from the territory of Pakistan into the territory of India on‡ ..... on account of disturbances or fear of disturbances in my former place of residence at ..... [I submit herewith original/certified copy of the citizenship certificate granted to me under sub-clause (ii) of clause (b) of article 6 of the Constitution.]

My name has not been included in the electoral roll for any Parliamentary constituency/Assembly constituency/Council constituency in the State of..... / been included in the electoral roll for Parliamentary constituency/..... Assembly constituency/..... Council constituency in the State of.....

((I am at present residing in ..... and I may be deemed to be ordinarily resident in† ..... in ..... Parliamentary constituency/..... Assembly constituency during the qualifying period, that is, from the 1st day of April, 1947, to 31st day of December, 1949, for the purpose of my registration in the electoral roll for that constituency.))

[(I am at present residing in ..... and I may be deemed to be ordinarily resident in ..... in ..... Council constituency on the qualifying date, that is, first day of April, 1950, for the purpose of my registration in the electoral roll for that constituency.)]

[I have applied separately to the Electoral Registration Officer of ..... Parliamentary constituency/..... Assembly constituency/..... Council constituency for the exclusion of my name from the electoral roll for that constituency.]

DECLARATION

The above particulars are true and correct in all respects.

..... (Place)

Dated..... Signature in full.

((Not for Council constituencies.))
[(For Council constituencies only.)]
[Strike off if not necessary.]
* Here insert the full name.
‡ Here insert the date.
† Here insert name of place.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

Rights of citizenship of certain persons who have migrated to India from Pakistan.

6. Notwithstanding anything in article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if—

(*a*) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and

(*b*) (i) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

(ii) in the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government :

Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Rights of citizenship of certain migrants to Pakistan.

7. Notwithstanding anything in articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India :

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (*b*) of article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948.

FORM V

882

NOTICE

(*Rule* 10)

Electoral roll of .....constituency.....
.....Area.

A draft list of electors included in this part of the above-named roll is herewith published for general information. All claims to be included in this roll shall be made in Form VI/VII and all objections to any name entered therein in Form VIII not later than the————————day of————————
195 .

The Revising Authority to whom such claims and objections are to be preferred is————————(address)————————

Claims and objections shall be addressed to the Revising Authority and shall either be presented to the Revising Authority specified in this notice or to the Electoral Registration Officer [or to ,] or be sent by post to the Revising Authority specified in this notice so as to reach him not later than the———————— day of————————195 .

Place————————

Dated————————

Electoral Registration Officer.

[Strike off if not necessary].

NOTE.—Printed copies of the Forms will be supplied free by the Electoral Registration Officer on application.

FORM VI

883

Claim for inclusion in the electoral roll for a Parliamentary/Assembly Constituency

(*Rule* 10)

Parliamentary constituency*

Assembly constituency

Claim for inclusion in electoral roll of †————————————

son/wife/daughter of————————————

resident at No.———————— Street————————

Ward No.———————— Village/Ward————————

Union/Municipality ————————————

Post Office————————Police Station————————

Sub-Division ———————— District————————

The claimant is a citizen of India and was not less than 21 years of age on the 1st day of ————————19 , and he has been ordinarily resident at ‡———————— in the aforesaid constituency for not less than 180 days during the qualifying period beginning on the 1st day of————, 19 , and ending on the————, 19 . He has not claimed to be included or has not been included in any electoral roll of any Parliamentary/Assembly constituency with any other address.

[In support of the above statement the claimant submits with this claim the following original/certified copies of documents, *viz.*—

(i)
(ii)
(iii)]

Declaration.

The above particulars are true and correct in all respects.

Signature or thumb impression of claimant————————————

**Signature of person signing on behalf of claimant————————————

Address of person signing if not the claimant————————————

Dated————————

* Here insert the name of the constituency.

† Here insert name in full.

‡ Here insert the address.

[Strike off if not necessary].

** If claimant does not sign himself, the person signing on his behalf must in every case file a written authority from the claimant.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

884

FORM VII

Claim for inclusion in the electoral roll for a Council constituency.

(*Rule* 10)

——————————————Legislative Council.

——————————————constituency

Claim for inclusion in the electoral roll of*——————————
son/wife/daughter of——————Resident at No.——————
Street—————————— Ward No.——————
Village/Ward ——————— Union/Municipality ——————
Post Office——————— Police Station ——————
Sub-Division——————— District ——————

The claimant is a citizen of India. He was a member of †——————
——————on the 1st April, 195 /He has been a graduate of——————
——————University/‡——————since——————/He has been engaged in teaching for a total period of——————years beginning on——————and ending on ——————in §——————

He was ordinarily resident in @——————
on the 1st April 19 . He has not claimed to be included or has not been included in any electoral roll of any local authorities' / Graduates' / Teachers' constituency with any other address.

In support of the above the claimant submits with this claim the following original/certified copies of documents, *viz.*,—

(i)
(ii)
(iii)

Declaration.

The above particulars are true and correct in all respects.

Signature or thumb impression of the claimant——————
**Signature of person signing on behalf of the claimant——————
Address of person signing if not the claimant——————

Dated——————

* Here insert name in full.
† Here insert the name of the local authority.
‡ Here insert the qualification equivalent to that of a graduate of a University in India specified by the State Government.
§ Here insert the name of the educational institution.
@ Here insert the address in the case of a graduates' or teachers' constituency.
** If claimant does not sign himself, the person signing on his behalf must in every case file a written authority from the claimant.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

FORM VIII

885

Objection to Registration of electors.

(Rule 10)

.....constituency.

I hereby give you notice that I object to the entry of*.....
on the electoral roll of.....
as serial No. ..... in the roll for .....
Union/Ward of ..... Police Station.....
Sub-Division/Municipality ..... in District .....

The grounds of my objection are .....
.....
in respect of which I submit with this objection the following original/certified copies of document,*viz.*, ...
.....

Declaration.

I declare the statements made in this objection to be true to my knowledge and belief.

Signature or thumb impression of the objector .....
Entered on the electoral roll of .....
constituency as serial No. ..... in the roll for .....
..... Union/Ward of ..... Sub-Division/Municipality
in ..... District.

Dated.....

Present address.....

---

* Here insert the name as it appears in the electoral roll.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

FORM IX

NOTICE

(*Rule* 14)

To .....

..... of .....

886

You are hereby informed that your claim/objection in respect of the electoral roll of the ..... constituency of the ....., will be heard at ..... (place) at ..... o'clock on the .....day of ....., and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Dated.....

Place.....

Revising Authority.

Certified that this notice has been duly served by me this .... day of ..... on* .....

personally.

..... by registered post.

by affixation on residence.

Signature of Revising Authority.

Dated.....

Place.....

* Here insert the name of the person on whom the notice was served.

FORM X

NOTICE

(*Rule* 15)

887

To .....

..... of .....

Whereas objection has been made by ..... of ..... to the inclusion of your name in the electoral roll of the ..... constituency of the ..... on the ground that ..... you are hereby informed that the said objection will be heard at ..... at ..... o'clock on the ..... day of ..... and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Dated.....

Place.....

Revising Authority.

Certified that this notice has been duly served by me this ..... day ..... on* ..... personally / by registered post / by affixation on residence.

Signature of Revising Authority.

Dated.....

Place.....

(No. F. 8 (4) /50-C.)

K. V. K. SUNDARAM,
Secretary.

* Here insert the name of the person on whom the notice was served.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

No. L.D. 1256—Legis. 6-50-24, dated Bangalore, the 8th August 1950.

Ordered that the accompanying Presidential Order made under Para 12 of the Provisional State Legislatures (Casual Vacancies) Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 22nd July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 14th July 1950.

S.R.O. 268. WHEREAS a difficulty has arisen in the application of the electoral law of the State of Mysore to the filling of casual vacancies and incidental matters;

NOW, THEREFORE, in exercise of the powers conferred by paragraph 12 of the Provisional State Legislatures (Casual Vacancies) Order, 1950, and all other powers enabling him in this behalf, the President is pleased to direct that the Mysore Legislative Assembly Election Rules shall have effect subject to the modification that the references in Rules 21 and 35 and the First Schedule to the Bangalore District (Rural) and the Bangalore Districts (Urban and Rural) shall be construed as references to the amalgamated Bangalore District.

(No. F. 54—50-C.)

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. R. 5313—L.S. 115-47-5, dated Bangalore, the 7th August 1950.

In exercise of the powers conferred by Section 17 of the Mysore Land Record of Rights Act, 1927 (Mysore Act X of 1927), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made to the rules under the Record of Rights Act, the draft of the amendment having been previously published in the *Mysore Gazette*, dated 11th May 1950 in Notification No. R. 1417—L.S. 115-47-4, dated 2nd May 1950 as required by sub-section (3) of the said Section, namely :—

Amendment.

For the second para in rule 38 A of the Rules under the Record of Rights Act, the following para shall be substituted :—

" No fee shall be charged—

(i) in the case of grant of lands on darkhast to private individuals ;

(ii) in the case of purchase of lands in sales held for arrears of of land revenue ;

(iii) in respect of lands resumed to Government for arrears of land revenue and subsequently restored to the khatedars on payment of the arrears due thereon ; and

(iv) for recording lease rights in respect of lands belonging to Muzrai Institutions ".

By Order of His Highness the Maharaja.

T. RANGAMALLIAH,

Secretary to Government,

Revenue Department.

No. C. 597—Co. 24-49-13, dated Bangalore, 1st August 1950.

In exercise of the powers conferred by sub-clause (1) of clause 6 of the Mysore Cotton Textiles (Export Control) Order, 1949, His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Notification No. C. 456—Co. 24-49-3, dated 11th October 1949, namely :—

In paragraph 6 of the said notification after item (s) the following items shall be added namely :—

"(t) Tarpaulins made of Cotton Jute Union Cloth.

(u) Cloth and yarn sold by the Government of India for export outside India and duly stamped with the markings prescribed in item (b) of sub-paragraph (1) of paragraph 2 of the Textile Commissioner's Notification No. 9 (9)-Tex. 1/49, dated the 31st May 1950".

By Order of His Highness the Maharaja,

No. C. 599—Co. 2-48-14, dated Bangalore, 1st August 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (Act XX of 1947), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Mysore Cotton Textiles (Control) Order, 1948, namely :—

In the said Order in clause 20-B, the following sub-clause shall be added, namely :—

"(iii) No producer shall produce any yarn from a mixture of Indian Cotton with foreign cotton".

Explanation.—"Indian Cotton" and "Foreign Cotton" respectively shall have the meanings assigned to them under the Cotton Control Order, 1949 ; but "Foreign Cotton" for the purposes of sub-clause (iii) does not include cotton grown in Pakistan.

By Order of His Highness the Maharaja,

No. C. 617—Co. 23-50-2, dated Bangalore, 7th August 1950.

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 3 of the Hoarding and Profiteering Prevention Act, 1948 (Mysore Act No. LX of 1948), His Highness the Maharaja of Mysore is pleased to fix as follows the maximum prices which may be charged by a dealer in respect of infant and invalid foods which are distributed by Messrs. Parry & Co. and Messrs. Glaxo Laboratories (India), Ltd.

Distributor's name		Description	Max. Retail price Rs.	A.	P.	
Messrs. Parry & Co. ...	1.	Horlicks 2 size ...	3	8	0	per bottle
	2.	Gluco vita-Glucose D. 1 lb. tins.	2	6	5	per tin
		Gluco vita-Glucose D. 1/4 lb. tins.	0	14	0	Do
	3.	Dextrosol 1 lb. tins.	2	6	5	Do
		Do 1/4 lb. tins.	0	14	0	Do
Messrs. Glaxo Laboratories (India), Ltd.	4.	Glaxo 1 lb. tins ...	3	12	0	Do
		Do 2 lbs. tins ...	7	1	9	Do
	5.	Ostermilk 1 lb. tins.	3	13	3	Do
		Ostermilk 2 lb. tins.	7	3	0	Do
	6.	Glaxose-D Containers of ½ lb.	1	6	6	per container.
		Glaxose-D Containers of 1 lb.	2	6	9	Do

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agriculture Departments.

No. Fl. 4250—S.T. 8-50-5, dated Bangalore, 2nd August 1950.

In exercise of the powers conferred by section 25 of the Mysore Sales Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Sales Tax Rules, 1948, the draft amendments having been previously published in the

Mysore Gazette dated the 25th May 1950 as required by sub-section (4) of the said section,

Amendments.

In the Mysore Sales Tax Rules, 1948,—

(1) For clause (*k*) of rule 3, the following clause shall be substituted :—

"(*k*) "Quarter" means a quarter ending on the 30th June, 30th September, 31st December or 31st March."

(2) In Rule 6—

(i) in sub-rule (1)—For the figure and words "30th day of June" the figure and words "31st day of March" shall be substituted;

(ii) in sub-rule (3)—for the figure and words "31st July" the figure and words "30th day of April" shall be substituted;

(iii) in sub-rule (4)—For the figure and words "30th day of June" the figure and words "31st day of March" shall be substituted;

(iv) in sub-rule (10)—For the word "August" and the figure and word "30th June" the word "May" and the figure and word "31st March" shall, respectively, be substituted; and

(v) in sub-rule (11)—for the word "September" the word "June" shall be substituted.

(3) In Rule 11—

(i) in sub-rule (6)—For the word "August" the word "May" shall be substituted; and

(ii) in clause (ii) of sub-rule (7)—For the figure and word "31st July" the figure and word "30th April" shall be substituted.

(4) In Rule 17—

(i) in sub-rule (1)—for the word "August" wherever it occurs, the word "May" shall be substituted; and

(ii) in sub-rule (4)—For the word "August" wherever it occurs the word "May" shall be substituted.

(5) In sub-rule (1) of Rule 20—For the word "July" the word "April" shall be substituted.

By Order of His Highness the Maharaja,

No. Fl. 4254—S.T. 8-50-6, dated Bangalore, 2nd August 1950.

In exercise of the powers conferred by section 25 of the Mysore Sales Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Sales Tax Rules, 1948, the draft amendments having been previously published in the

Mysore Gazette dated the 15th June 1950 as required by sub-section (4) of the said section.

Amendments.

In the Mysore Sales Tax Rules, 1948,—

1. To Rule 5, the following provisos shall be added, namely :—

" Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st day of March 1950 a licensee's liability to pay any final fee for that year shall be fixed on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in that year but the fee payable shall be on the actual turnover for nine months at the rate applicable to the turnover for a full year of 12 months fixed as above.

Illustrations :—

(*a*) " A " is a licensee with a turnover of less than Rs. 7,500 for nine months in the year 1949-50. His pro-rata turnover for twelve months will not exceed Rs. 10,000. Hence, he will not be liable to pay any final license fee for that year.

(*b*) " A " is a cotton dealer with a turnover of Rs. 7,500 for nine months in 1949-50. The pro-rata turnover for twelve months will be Rs. 10,000. The amount of fee payable by " A " for 1949-50 will be Rs. 75×7,500/10,000 or Rs. 56—4—0. But the renewal fee for 1950-51 will Rs. 75.

(*c*) If in the above case, " A " has a turnover of Rs. 18,000 for nine months in 1949-50, his liability to pay final fee is to be fixed on a turnover of Rs. 24,000, and the fee payable by him for that year will be three-fourths of 150 or Rs. 112—8—0. The renewal fee for 1950-51 will be Rs. 150.

(*d*) Again, in the above case, if " A " has a turn over of Rs. 78,000 for nine months in 1949-50, his liability to pay final fee for that year will be at the rate applicable to a turnover of Rs. 1,04,000. The fee payable by him for that year will be three-fourths of 250 or Rs. 187-8-0. The renewal fee for 1950-51 will be Rs. 250.

(*e*) Further again, in the above case, if the turnover of " A " for nine months in 1949-50 is Rs. 9,90,000 his liability to pay final fee will be at the rate applicable to the turnover of Rs. 13,20,000. But the fee payable by him for that year will be limited to Rs. 1,000. The renewal fee for 1950-51 will also be Rs. 1,000.

" Provided also that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a licensee's liability to pay any fee for the grant or renewal of a license shall be fixed pro-rata on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in the year 1949-50. The fee payable shall be on the turnover for a full year of twelve months fixed as above. "

2. To Rule 13, the following proviso shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a dealer's liability to pay any tax for that year shall be fixed pro-rata on the average of the turnover for a full year of twelve months based on the turnover for final assessment for the year 1949-50 and the tax thus payable shall be recovered in quarterly instalments."

3. To Rule 14, the following proviso shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a dealer's liability to pay any tax for that year shall be fixed pro-rata on the average of the turnover for a full year of twelve months based on the turnover for final assessment for the year 1949-50, the tax thus payable being recovered in quarterly instalments."

4. To Rule 16, the following provisos shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

Provided also that, if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year."

5. In Rule 17,

(1) To sub-rule (2), the following proviso shall be added, namely :—

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st March 1950, a dealer's liability to pay any final tax for that year shall be fixed pro-rata on the average of the turnover for the year of twelve months based on the actual turnover for the nine months in that year but the tax payable shall be on the actual turnover for nine months in that year."

(2) To sub-rule (3) the following proviso shall be added, namely :—

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st March 1950 a dealer's liability to pay any final tax for that year shall be fixed pro-rata on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in the year 1949-50 but the tax payable shall be on the actual turnover for nine months in that year."

(3) After the proviso to clause (*a*) of sub-rule (4), the following proviso shall be added, namely :—

"Provided also that in respect of the year 1950-51 the assessing authority shall make provisional assessment for the four quarters of the year and for this purpose the dealer's liability to pay any tax shall be fixed on the average of the turnover for a full year based on the turnover for final assessment for the year 1949-50."

(4) After the third proviso to sub-rule (4), the following provisos shall be added, namely :—

"(iv) Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

"(v) Provided also that if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year.

"(vi) Provided further that in respect of the year beginning on the 1st day of April 1951, he shall continue to pay tax as in the last quarter of the preceding year."

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,

Finance Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

(3) After the proviso to clause (*a*) of sub-rule (4), the following proviso shall be added, namely :—

"Provided also that in respect of the year 1950-51 the assessing authority shall make provisional assessment for the four quarters of the year and for this purpose the dealer's liability to pay any tax shall be fixed on the average of the turnover for a full year based on the turnover for final assessment for the year 1949-50."

(4) After the third proviso to sub-rule (4), the following provisos shall be added, namely :—

"(iv) Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

"(v) Provided also that if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year.

"(vi) Provided further that in respect of the year beginning on the 1st day of April 1951, he shall continue to pay tax as in the last quarter of the preceding year."

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,

Finance Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

(3) After the proviso to clause (*a*) of sub-rule (4), the following proviso shall be added, namely :—

"Provided also that in respect of the year 1950-51 the assessing authority shall make provisional assessment for the four quarters of the year and for this purpose the dealer's liability to pay any tax shall be fixed on the average of the turnover for a full year based on the turnover for final assessment for the year 1949-50."

(4) After the third proviso to sub-rule (4), the following provisos shall be added, namely :—

"(iv) Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

"(v) Provided also that if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year.

"(vi) Provided further that in respect of the year beginning on the 1st day of April 1951, he shall continue to pay tax as in the last quarter of the preceding year."

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,

Finance Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, MONDAY, AUGUST 14, 1950

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 1522-28, dated Bangalore, the 14th August 1950.

Under Rule 36 of the Mysore Legislative Rules, the following Bill, together with Statement of Objects and Reasons is published for general information.

THE BETTING TAX (SECOND AMENDMENT) BILL, 1950.

A Bill further to amend the Betting Tax Act, 1932.

WHEREAS it is expedient further to amend the Betting Tax Act, 1932, (Mysore Act IX of 1932), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Betting Tax (Second Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

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Amendment of section 6, Act IX of 1932.

2. In section 6 of the Betting Tax Act, 1932, (hereinafter referred to as the said Act),—

(1) in sub-section (1), for the words "out of all moneys paid or agreed to be paid by a licensed book-maker to a backer in consequence of the winning by the backer", the words "out of all moneys paid or agreed to be paid to a licensed book-maker by a backer in respect" shall be substituted; and the words "on backers" shall be omitted; and

(2) in sub-section (2), for the words "paid to the backer", the words "paid by the backer" shall be substituted.

Amendment of section 8, Act IX of 1932.

3. In sub-section (2) of section 8 of the said Act, for the words "all sums paid or agreed to be paid by them to backers in satisfaction of bets", the words "all moneys paid or agreed to be paid to them by backers in respect of bets" shall be substituted.

Repeal and savings.

4. The Betting Tax (Amendment) Ordinance, 1950, (Mysore Ordinance No. II of 1950), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the Betting Tax Act, 1932, as amended by the said Ordinance, shall be deemed to have been made, done or taken in exercise of the powers conferred by or under the Betting Tax Act, 1932, as amended by this Act, as if this Act had come into force on the twenty-third day of May 1950.

Statement of Objects and Reasons.

Section 6 (1) of the Betting Tax Act, 1932, provides for the levy of a tax on moneys paid or agreed to be paid by a licensed book-maker to a backer in consequence of the winning by a backer of a bet. The working of this provision has revealed that considerable revenue is lost to the State Government in view of the wording of the provision which permits the levy of the tax only on the winnings of a backer. It is desirable that every bet should be subject to tax, as it is a tax on betting as such. Under the corresponding Bombay Act, all moneys paid or agreed to be paid by a backer to a book-maker are

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liable to tax and it is considered necessary to amend the State Act also on similar lines.

As the races had already commenced and the Act had to be amended urgently, the Betting Tax (Amendment) Ordinance, 1950, (II of 1950),was promulgated on the 23rd May 1950. The amendments effected by this Ordinance carry a step further the general policy pursued by the State Government in the matter of augmenting the State revenues, and controlling the tendency for gambling on the part of the public. This Bill is intended to replace the Ordinance.

H. C. DASAPPA.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION. 901

No. L.D. 1522-28, dated Bangalore, the 14th August 1950.

Under Rule 36 of the Mysore Legislative Rules, the following Bill, together with Statement of Objects and Reasons is published for general information.

THE MYSORE ALIENATED VILLAGES (PROTECTION OF TENANTS AND MISCELLANEOUS PROVISIONS) BILL, 1950.

A Bill to provide for temporary protection of tenants in alienated villages in Mysore and to ensure that such tenants are not deprived of the usual amenities reserved for the use of the village community.

WHEREAS it is expedient to provide, pending further legislation, for the temporary protection against eviction of tenants in alienated villages and also to ensure that the tenants are not deprived of the usual amenities by the disposal of trees, and to provide for the control of alienation of reserved land, and of lands in the possession of tenants: Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore and shall apply to all alienated villages in the State.

(3) It shall come into force at once, and shall remain in force up to and inclusive of the 31st day of December, 1952.

2. In this Act, unless there is anything repugnant in the subject or context:— Definitions.

(1) "alienated village" includes a Khayamgutta village;

(2) "reserved land" means, in an alienated village to which the provisions of Chapters VIII and IX of the Mysore Land Revenue Code, 1888, have been applied, all lands which have been reserved under section 39 of the said Code, and, in an alienated village to which Chapters VIII and IX of the said Code have not been applied, all land other than—

(a) land held by Kadim tenants or permanent tenants; or land in the possession of tenants at will, and

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(b) land in the possession of the holder of the alienated village and cultivated by himself or by his own servants or by hired labour, uninterruptedly from the first day of July, 1946.

(3) All other expressions shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888.

Control of eviction of tenants.

3. Notwithstanding anything contained in any law for the time being in force, or any contract between the parties, no suit shall lie for the eviction of a tenant in an alienated village who has been holding, or is in possession of, land used for purposes of agriculture uninterruptedly from the first day of July, 1946, nor such tenant shall be evicted in pursuance of any decree or order of any court, or otherwise, if such tenant tenders to the superior holder, or any person acting on his behalf, within two months from the date of commencement of this Act, the rent or land revenue due in respect of the land up to and including the year ending with the thirtieth day of June, 1949, and is willing to hold or continue in possession of the land thereafter as a tenant on the same terms and conditions on which he was holding, or was in possession of, the same on the said first day of July, 1946:

Provided that, subject to the provisions of section 4, the protection afforded by this section shall continue only so long as the rent or land revenue for any year is tendered by the tenant to the superior holder, or any person acting on his behalf, before the expiry of the thirtieth day of June of that year.

Reduction or suspension of rent in certain cases.

4. When owing to inadequate rainfall in any tract the State Government orders the suspension or remission of assessment in respect of lands in the said tract, the rent or land revenue payable by a tenant in an alienated village in the said tract to his superior holder shall be deemed to have been suspended or remitted in the same proportion as the assessment due to the State Government in such tract in respect of unalienated villages is suspended or remitted.

Revival of rights, liabilities and obligations after the expiry of the Act.

5. Any right, privilege, obligation or liability acquired, accrued or incurred under any enactment, decree or order of any court, or under any contract between the parties, immediately before the commencement of this Act, or which may be acquired, accrued or incurred,

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during the period this Act remains in force, but the enforcement of which has been stayed by the provisions of this Act shall, notwithstanding anything contained in section 6 of the Mysore General Clauses Act, 1899, immediately on the expiration of this Act, revive and be enforceable as if this Act had not been passed.

In computing the period of limitation for the enforcement of any such right, privilege, obligation or liability, the period during which the proceedings in respect thereof are stayed under this Act shall be excluded, notwithstanding anything contained in any law for the time being in force.

Control of alienation of reserved lands.

6. (1) No superior holder shall, without the previous approval in writing of the Deputy Commissioner, sell, mortgage, lease or otherwise assign or alienate any reserved land or land in the possession of tenants in any alienated village.

(2) Notwithstanding anything contained in any law for the time being in force, any sale, mortgage, lease or other assignment or alienation of any reserved land or of land in the possession of tenants effected

(i) after the first day of July, 1948; or

(ii) after the commencement of this Act in contravention of sub-section (1),

shall be void and shall have no effect:

Provided that any sale, mortgage, lease, or other assignment or alienation effected after the first day of July, 1948, and before the commencement of this Act, shall not be void, if such sale, mortgage lease, assignment or alienation is confirmed by the Deputy Commissioner on the ground—

(*a*) that the transaction has been entered into in good faith; or

(*b*) that the transaction has been entered into for valuable consideration; or

(*c*) that confirmation is necessary for maintaining the agricultural economy of the State.

Control of appropriation of agricultural land for non-agricultural purposes.

7. (1) No superior holder shall, without the previous approval in writing of the Deputy Commissioner, appropriate, or grant permission to any tenant to appropriate any land appropriated for purposes of agriculture, for any purpose unconnected with agriculture.

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(2) Notwithstanding anything contained in any law, or usage or custom having the force of law, for the time being in force, the appropriation, or the grant of permission for the appropriation, of any land appropriated for purposes of agriculture, for any purpose unconnected with agriculture in contravention of sub-section (1) shall have no effect.

(3) Any person who contravenes the provisions of sub-section (1) and any person who abets such contravention shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both.

Control of disposal of trees.

8. (1) Notwithstanding anything contained in any law for the time being in force, no person shall fell, lop, sell or otherwise dispose of, any tree, in an alienated village, except under the orders in writing of the Deputy Commissioner:

Provided that the State Government may, by notification in the *Mysore Gazette*, exempt any specified class or classes of trees from the operation of this sub-section.

(2) Any person who contravenes the provisions of sub-section (1) and any person who abets such contravention, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Appeals and revision.

9. (1) Any person aggrieved by any order of a Deputy Commissioner under this Act may, within thirty days from the date of communication of the order, appeal to the Revenue Commissioner; and the decision of the Revenue Commissioner on such appeal shall, subject to the provisions of sub-section (2), be final.

(2) The State Government may, in its discretion, call for and examine the record of any order passed by the Deputy Commissioner or the Revenue Commissioner for the purpose of satisfying itself as to the propriety of such order and may pass such order in reference thereto as it thinks fit.

Deputy Commissioner to sanction prosecutions.

10. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Deputy Commissioner of the District.

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11. (1) No notification issued or order made in exercise of any power conferred by or under this Act shall be called in question in any proceeding in a court of law. Bar of jurisdiction.

(2) No suit or other legal proceeding shall lie against the State Government, the Reveuue Commissioner or the Deputy Commissioner or any other person in respect of any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

12. The State Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Act. Rules.

13. The Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950, (Mysore Ordinance No. III of 1950), is hereby repealed. But any rules or orders made, anything done and any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of the powers conferred by or under this Act, as if this Act had come into force on the eleventh day of June 1950. Repeal and savings.

Statement of Objects and Reasons.

The State Government constituted a Committee in 1948 to go, among other things, into the question of the abolition of Inams, Jagirs, etc., and the Committee have made their recommendations in the matter which are at present under the consideration of the State Government. Complaints reached the State Government, in the meanwhile, that anticipating that the State Government will acquire Inam Villages, certain Inamdars were forcibly evicting tenants from lands in Inam Villages and that they were disposing of valuable trees and lands set apart in the village for the use of the village community. The State Government considered it necessary to control the eviction of tenants and disposal of reserved lands and trees in Inam Villages pending a comprehensive legislation dealing with Inams on the recommendations of the Committee.

Since urgent action was necessary to prevent the comprehensive Act, when passed, from being frustrated

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by the Acts of the Inamdars in the meantime, the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) (Emergency) Act, 1949, (LXXVI of 1949), was promulgated on the 12th December 1949.

As this Emergency Act was due to expire in June 1950 and as the continuance of its provisions beyond its normal expiry date was necessary, the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950, (Ordinance IV of 1950), was promulgated in June 1950 for re-enacting the provisions of the said Emergency Act.

This Bill is intended to repeal and replace the Ordinance and it embodies an additional provision for controlling appropriation of agricultural land for non-agricultural purposes.

H. SIDDAIYA.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 1522-28, dated Bangalore, the 14th August 1950. 907

Under Rule 36 of the Mysore Legislative Rules, the following Bill, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE ELECTRICITY (TAXATION ON CONSUMPTION) BILL, 1950.

A Bill to provide for the levy of a tax on the consumption of electrical energy in Mysore.

WHEREAS it is expedient to provide for the levy of a tax on the consumption of electrical energy supplied by the Electrical Department of the State Government ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Electricity (Taxation on Consumption) Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "consumer" includes a local authority, company or other person who consumes energy supplied by the Electrical Department of the State Government ;

(2) "energy" means electrical energy ;

(3) "prescribed" means prescribed by rules made under this Act.

3. Subject to the provisions of this Act, every consumer shall pay every month to the State Government, at such time and in such manner as may be prescribed, a tax calculated at a rate not exceeding two pies per unit of energy as may, from time to time, by notification in the *Mysore Gazette*, be specified by the State Government, on and in respect of all energy consumed by the said consumer during the previous month. Levy of tax on consumption of energy.

4. The tax payable under this Act which remains unpaid, shall be recoverable as an arrear of land revenue. Arrears of tax recoverable as an arrear of land revenue.

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Power of State Government to notify exemptions and reductions of tax.

5. The State Government may, by notification in the *Mysore Gazette*, make an exemption or reduction in rate in respect of the tax payable under this Act –

(i) on energy supplied for any specified purpose ; or

(ii) by any specified consumer or class of consumers.

Power to make rules.

6. The State Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Act.

Repeal and savings.

7. The Mysore Electricity (Taxation on Consumption) Ordinance, 1950, (Mysore Ordinance No. IV of 1950), is hereby repealed. But any rules made, any notification issued, anything done and any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, issued, done or taken in exercise of the powers conferred by or under this Act, as if this Act had come into force on the first day of July, 1950.

Statement of Objects and Reasons.

In connection with the measures to be taken for augmenting the State Revenues, the State Government proposed the levy of a surcharge on the existing rates for the supply of electrical energy and the estimated receipts from this head was included in the Budget Estimate for the year 1950-51, which was approved by the Legislature.

It was found that the surcharge could not be levied on all consumers without separate legislation since the levy would affect existing contracts and that such legislation by way of Ordinance required the previous sanction of the President, and that if the levy was imposed in the form of a tax on consumption of electrical energy, no sanction of the Central Government was necessary. Since the Legislative Assembly was not in session and the matter was urgent, the Mysore Electricity (Taxation on Consumption) Ordinance, 1950, was promulgated by His Highness. The Bill is intended to repeal and replace the Ordinance.

K. T. BHASHYAM IYENGAR.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

NOTIFICATION.

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No. L. D. 1522-28, dated Bangalore, the 14th August 1950.

Under Rule 36 of the Mysore Legislative Rules, the following Bill together with Statement of Objects and Reasons, is published for general information.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL, 1950.

A Bill further to amend the Code of Civil Procedure, 1911.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1911, (Mysore Act III of 1911), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. For sections 43 and 44 of the Code of Civil Procedure, 1911, (hereinafter referred to as the said Code), the following sections and Explanation shall be substituted, namely,— Substitution of new sections 43 and 44 in Mysore Act III of 1911.

"**43.** Any decree passed— Execution of decrees passed by Civil Courts in Part A States, Part B States, and Part C States.

(*a*) by a Civil Court in a Part A State, or a Part B State, other than the State of Mysore, or a Part C State, or

(*b*) by a Civil Court in any area within a Part A State, or Part B State or Part C State, to which the provisions relating to execution do not extend, or

(*c*) by a Court established or continued by the authority of the Central Government outside India,

may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court in the State of Mysore.

44. The State Government may, by notification in the *Mysore Gazette*, declare that the decrees of any Revenue Courts in any Part A State, or Part B State, other than the State of Mysore, or Part C State or any class of such decrees may be executed in the State of Mysore, as if they had been passed by Courts in the State of Mysore. Execution of decrees passed by Revenue Courts in Part A States, Part B States or Part C States.

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Explanation.—In sections 43 and 44, "Part A State" shall mean a State for the time being specified in Part A of the First Schedule to the Constitution of India, "Part B State" shall mean a State for the time being specified in Part B of that Schedule and "Part C State" shall mean a State for the time being specified in Part C of that Schedule, or a territory for the time being administered by the President under the provisions of Article 243 of the Constitution of India."

Insertion of new sections 109, 110 and 111 in Mysore Act III of 1911.

3. After section 108 of the said Code, the following sections shall be inserted, namely :—

Appeals to the Supreme Court.

When appeals lie to the Supreme Court.

"**109.** Subject to the provisions in Chapter IV of Part V of the Constitution of India and such Rules as may, from time to time, be made by the Supreme Court of India regarding appeals from High Courts in the territory of India and to the provisions hereinafter contained, an appeal shall lie to the Supreme Court :—

(*a*) from any judgment, decree or final order passed on appeal by the High Court,

(*b*) from any judgment, decree or final order passed by the High Court in the exercise of original civil jurisdiction ; and

(*c*) from any judgment, decree or order, when the case, as hereinafter provided, is certified to be a fit one for appeal to the Supreme Court.

Value of subject-matter.

110. In each of the cases mentioned in clauses (*a*) and (*b*) of section 109, the amount or value of the subject-matter of the suit in the Court of first instance and still in dispute on appeal must have been twenty thousand rupees or upwards, and the amount or value of the subject-matter in dispute on appeal to the Supreme Court must be the same sum or upwards ;

or the judgment, decree or final order must involve, directly or indirectly, some claim or question to or respecting property of like amount or value ;

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and where the judgment, decree or final order appealed from affirms the decision of the Court immediately below the Court passing such judgment, decree or final order, the appeal must involve some substantial question of law.

111. (1) Nothing contained in this Code shall be deemed— Savings.

(*a*) to affect the powers of the Supreme Court under Article 136 or any other provision of the Constitution, or

(*b*) to interfere with any Rules made by the Supreme Court, and for the time being in force, for the presentation of appeals to that Court or their conduct before that Court.

(2) Nothing herein contained applies to any matter of criminal jurisdiction."

4. In the First Schedule to the Mysore Limitation Act, 1911, after article 178 A, the following article shall be inserted, namely:— Amendment of the First Schedule to Mysore Act IV of 1911.

"

Description of application	Period of limitation	Time from which period begins to run
1	2	3
179. By a person desiring to appeal under the Code of Civil Procedure, 1911, to the Supreme Court for leave to appeal.	Ninety days	The date of the decree appealed from.

"

Statement of Objects and Reasons.

Article 261 (3) of the Constitution of India enacts that final judgments or orders delivered or passed by civil courts in any part of the territory of India shall be capable of execution anywhere within that territory according to law. The Government of India have accordingly adapted the Indian Code of Civil Procedure, 1908, by substituting new sections 43 and 44, providing for the

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enforcement of decrees passed in Part B States, in Part A and Part C States. Since it will take some time before the Indian Code is extended to Mysore, they have requested that a similar amendment may be made in the Mysore Code of Civil Procedure. Clause 2 of the Bill makes provision for this.

Articles 132, 133 and 136 of the Constitution of India provide for appeals to the Supreme Court of India from any judgment, decree or final order in a civil proceeding of a High Court in the territory of India. In view of the mandatory provisions contained in these articles, necessary adaptations have been carried out by the Government of India in sections 109, 110 and 112 of the Indian Code of Civil Procedure, 1908. The Mysore High Court have suggested that similar provisions should be included in the Mysore Code of Civil Procedure. Clause 3 makes this amendment.

It is also considered necessary to make consequential amendments in the Mysore Limitation Act, 1911, for fixing the period of limitation for applying for a certificate for leave to appeal to the Supreme Court under the Mysore Code of Civil Procedure. For this purpose, by Clause 4 of the Bill, a new Article 179 has been proposed to be inserted in the First Schedule to the Limitation Act on the lines of the corresponding Article contained in the Indian Limitation Act, 1908.

K. T. BHASHYAM IYENGAR.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 1522-28, dated Bangalore, the 14th August 1950. 913

Under Rule 36 of the Mysore Legislative Rules, the following Bill together with Statement of Objects and Reasons is published for general information.

THE MYSORE SALES-TAX (AMENDMENT) BILL, 1950.

A Bill further to amend the Mysore Sales-Tax Act, 1948.

WHEREAS it is expedient further to amend the Mysore Sales-Tax Act, 1948, (Mysore Act XLVI of 1948), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:

1. (1) This Act may be called the Mysore Sales-Tax (Amendment) Act, 1950. Short title and commencement.

(2) It shall come into force at once.

2. In section 22 of the Mysore Sales-Tax Act, 1948, (hereinafter referred to as the said Act), the word "Civil" wherever it occurs shall be omitted. Amendment of section 22 of Act XLVI of 1948.

3. For sub-section (3) of section 24 of the said Act, the following sub-section shall be substituted, namely:— Amendment of section 24 of Act XLVI of 1948.

"(3) Nothing in this section shall apply to the disclosure of any of the particulars referred to in sub-section (1)

(*a*) for the purposes of a prosecution under the Indian Penal Code, in respect of any statement, return, accounts, documents or evidence, or for the purposes of a prosecution under this Act; or

(*b*) to an officer of the Central Government, as may be necessary, for the purpose of enabling that Government to levy or realise any tax imposed by it."

Statement of Objects and Reasons. 9/14

Section 22 of the Mysore Sales-Tax Act, 1948, provides that no assessment made and no order passed under the Act or the rules made thereunder by any assessing authority shall be called in question in any Civil Court. This section does not rule out the possibility of the assessments being challenged in a Criminal Court in which prosecutions are launched under section 20. In order to prevent tax-dodgers from resorting to such evasive tactics and thereby ensure the smooth recovery of taxes from them, it is considered necessary to amend section 22 so as to protect sales-tax assessments from being questioned in Civil as well as Criminal Courts.

Section 54 of the Indian Income-Tax Act, 1922, was amended recently to permit Income-Tax authorities to disclose to the officers of State Governments any information that the latter may require for the purpose of enabling those Governments to levy or realise any tax imposed by them. The Government of India have requested the State Government to amend the Mysore Sales-Tax Act, with a view to providing similar facilities to the Income-Tax authorities of the Central Government.

Under Section 24 of the Mysore Sales-Tax Act, returns, accounts or documents produced in accordance with the provisions of the Act are confidential between the assessee and the Sales-Tax authorities, except for the purpose of a prosecution under the Indian Penal Code or for the purposes of a prosecution under the Sales-Tax Act. As this section does not permit disclosure of information for any other purpose and as it is felt that the exchange of information between the Income-Tax authorities and Sales-Tax authorities will prove very useful for preventing tax evasion, it is proposed to amend section 24 for giving effect to this object.

H. C. DASAPPA.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L. D. 1522-28, dated Bangalore, the 14th August 1950. 915

Under Rule 36 of the Mysore Legislative Rules, the following Bill, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE WAREHOUSES BILL, 1950.

A Bill to provide for the regulation and licensing of Warehouses in the State of Mysore.

WHEREAS it is expedient to encourage the establishment of warehouses and make provision for their proper supervision and control ; Preamble.

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Warehouses Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once ; and the rest of this Act shall come into force on such date as the State Government may, by notification in the *Mysore Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "depositor" means a person who tenders his goods to a warehouseman for storing in his warehouse and shall include any person who lawfully holds the receipt issued by the warehouseman in respect of the goods and derives title to it by proper endorsement or transfer from the depositor or his lawful transferee ;

(2) "goods" shall include raw produce, manufactured articles and merchandise ;

(3) "prescribed" means prescribed by rules made under this Act ;

(4) "prescribed authority" means, in relation to any provision of this Act, the authority prescribed by rules to carry out such provision ;

(5) "receipt" means a warehouse receipt in the prescribed form issued by a warehouseman to a depositor

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showing that certain goods described therein have been deposited in his warehouse;

(6) "rules" mean rules made by the State Government under this Act;

(7) "warehouse" means any building, structure or other protected enclosure which is or may be used for the purpose of storing goods; but does not include cloak rooms attached to hotels, railway stations, the premises of other public carriers and the like;

(8) "warehouseman" means a person who carries on the business of storing produce or goods on behalf of depositors and issues receipts for the goods stored in his warehouse.

CHAPTER II.

LICENSING OF WAREHOUSES.

Warehouseman not to carry on business without license.

3. No person shall, without a licence, carry on the business of a warehouseman or hold himself out as a warehouseman.

Application.

4. Every person desirous of carrying on the business of a warehouseman shall take out a licence for the conduct of such business by making an application to the prescribed authority in the prescribed form.

Security to be given by the applicant.

5. No application for such licence shall be granted unless the applicant furnishes such security as is sufficient in the opinion of the prescribed authority for the proper conduct of the warehouse.

Conditions for the grant of licence.

6. (1) Before granting a licence the prescribed authority may make any enquiry it considers necessary and shall satisfy itself,

(*a*) that the warehouse mentioned in the application is suitable for the proper storage of the class or classes of goods for which it is intended;

(*b*) that the applicant is competent to conduct such a warehouse;

(*c*) that the applicant fulfils any other condition notified by the State Government under sub-section (2);

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(*d*) that the applicant has paid the fee prescribed for the licence and has also furnished the security under section 5 ; and

(*e*) that there is no other reason for which the applicant may, in the opinion of the prescribed authority, be deemed to be disqualified.

(2) The State Government may, by notification in the *Mysore Gazette*, add to or alter the conditions under which a licence is granted to a warehouseman.

Term and renewal of licence.

7. Every licence granted under section 6 shall be valid for the prescribed period, and may, on the expiry of such period, be renewed by the prescribed authority on application and on payment of the prescribed fee, provided the conditions in sub-section (1) of section 6 continue to be fulfilled.

Suspension and cancellation of licence.

8. (1) A licence granted under section 6 or renewed under section 7 shall be liable to be suspended or cancelled either temporarily or permanently by the prescribed authority for reasons to be stated in writing and in particular if the warehouseman—

(*a*) has been adjudged an insolvent, or

(*b*) has parted in whole, or in part, with his control over the licensed warehouse, or

(*c*) has ceased to conduct such licensed warehouse, or

(*d*) has made exorbitant or unreasonable charges for the services rendered by him, or

(*e*) has in any other manner become incompetent to conduct the business of warehousing, or

(*f*) has contravened any of the terms of the licence or any of the provisions of this Act and the rules.

(2) The State Government may prescribe any other conditions under which a licence may be suspended or cancelled.

Notice of suspension and cancellation of licence.

9. (1) Before suspending or cancelling a licence under section 8, the prescribed authority shall give notice to the warehouseman of the grounds on which it is proposed to take action and give him a reasonable opportunity of showing cause against it.

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(2) After considering the explanation, if any, offered by the warehouseman, the prescribed authority, may suspend or cancel the licence or pass such orders as it deems just.

Arrangements for carrying on the warehousing business pending enquiry.

10. The prescribed authority may suspend the licence of a warehouseman pending the decision of the enquiry mentioned in section 9 and make interim arrangements, if necessary, for carrying on the warehousing business.

Return of licence.

11. (1) When a licence expires or is suspended or cancelled, the warehouseman shall cease to carry on the business of a warehouseman and shall return the licence to the prescribed authority.

(2) When a licence expires or is suspended or cancelled, the custody of the goods under deposit shall vest in the prescribed authority and such authority shall have the power to settle the claims of the depositors.

Duplicate licence.

12. If a licence granted to a warehouseman is lost, destroyed or damaged, the prescribed authority shall, on the application of the warehouseman and on payment of the prescribed fee, issue a duplicate licence.

Penalty for carrying on business as a warehouseman without a licence.

13. Any person who carries on the business of a warehouseman without a licence, or who without a licence holds himself out as a licensed warehouseman, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Publication of list of licenced warehouses.

14. The State Government shall publish in the *Mysore Gazette* the names and locations of warehouses licensed under this Act with the names and addresses of the licensees and also a list of all licences suspended or cancelled under this Act.

CHAPTER III.

DUTIES OF A WAREHOUSEMAN.

Reasonable care of the goods deposited to be taken.

15. Every warehouseman shall take such care of the goods deposited with him as a man of ordinary prudence would take of his own goods under similar circumstances and conditions.

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16. (1) Every warehouseman shall keep his warehouse clean and in a sanitary condition, and take all necessary precautions against rats and other pests which are likely to cause damage or injury to any of the goods stored in the warehouse, and fulfil such other conditions as may be prescribed.

Precautions against damage or injury to goods.

(2) No warehouseman shall accept for storing in his warehouse goods which are contaminated or infected by worms or pests, and which are likely to cause damage to other goods stored in the warehouse.

17. (1) Every warehouseman shall keep and maintain in a place of safety such books, accounts and records as may be prescribed and shall allow them to be inspected in such manner and by such persons as may be prescribed.

Accounts and books to be maintained by warehouseman.

(2) Any warehouseman who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

18. Every warehouseman shall exercise such care to keep in his warehouse the goods of different depositors separate from each other so as to permit at all times the identification of the ownership and the maintenance of the quality of the goods deposited and to facilitate easy delivery of such goods on demand by depositors :

Preservation of identity of goods.

Provided that where standardised and graded goods are stored in a warehouse, then, subject to any agreement between the warehouseman and any depositor, the same variety of goods belonging to different depositors may be mingled together and each depositor shall be entitled only to his portion of the goods according to weight or quantity, as the case may be, as shown in his receipt.

19. Every warehouseman shall build and maintain the warehouse in such manner as is laid down in the terms of licence granted to him.

Maintenance of warehouse.

20. Every warehouseman shall allow necessary facilities for the depositor to inspect and satisfy himself that his goods are properly cared for.

Warehouseman to allow facilities for the depositor to inspect.

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Goods deteriorating in warehouse and their disposal.

21. (1) Whenever goods stored in a warehouse deteriorate from causes beyond the control of the warehouseman, he shall forthwith give notice of such deterioration to the depositor and of their liabilities to be sold on a specified date and requiring the depositor to take delivery of the goods immediately, after surrendering the receipt duly discharged and paying all charges due to the warehouseman.

(2) If the depositor does not, within a reasonable time, comply with the notice given to him under sub-section (1), the warehouseman may cause the goods to be removed from the warehouse and dried or reconditioned and sold by public auction at the cost and risk of the depositor.

(3) Any person having an interest in any goods deposited in a warehouse or in the receipt covering such goods may notify the warehouseman in writing of the fact and nature of his interest and the warehouseman shall keep a record thereof; and if such person requests in writing that he be given notice regarding the condition of the goods and agrees to pay the charges for giving such notice, the warehouseman shall give him notice accordingly.

Delivery of goods.

22. (1) Every warehouseman shall deliver the goods on demand by the holder of the warehouse receipt on his offer to satisfy the warehouseman's lien, to surrender the receipt properly endorsed, and to give, when the goods are delivered, an acknowledgment that they have been delivered: provided that where a duplicate receipt has become issuable under this Act but cannot be issued within a reasonable time due to any extraordinary or technical reasons and it is necessary to deliver the goods forthwith to avoid deterioration, a warehouseman may deliver the goods without the receipt being surrendered on terms as to indemnity.

(2) Every such receipt after being so surrendered to the warehouseman shall be defaced by him and no such receipt shall be re-issued:

Provided that it shall be lawful for the warehouseman upon the surrender of such receipt, when part only of the goods is delivered on request, to issue to the depositor a new receipt for the goods remaining undelivered.

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23. (1) Notwithstanding anything contained in any other law, no warehouseman shall, either on his own account or that of others, deal in, or lend money on, goods received by him for deposit in his warehouse.

Warehouseman not to deal in or lend against goods in his warehouse.

(2) Any person who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

24. Any warehouseman who delivers any goods out of the warehouse save as provided in section 22 or who re-issues any receipt surrendered to him, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Penalty for delivery of goods without surrender of receipt or re-issue of surrendered receipt.

25. Any warehouseman who issues any receipt for goods which are not in his warehouse or who issues two or more receipts for the same goods or who issues receipts for goods in which he has any share or interest or who aids or abets any other person to do so shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Penalty for issue of receipt for goods not in the warehouse, etc.

26. Every warehouseman shall accept for storage in his warehouse so far as its capacity permits any goods tendered for warehousing by any depositor in the ordinary course of business without showing such discrimination between persons desiring to avail themselves of the facilities of his warehouse as will prejudicially affect their interests :

Discrimination prohibited.

Provided that a warehouseman may give preference to or concession in favour of a co-operative society registered under the Mysore Co-operative Societies Act, 1948.

27. Every warehouseman shall insure, in such manner as may be prescribed, the goods stored in his warehouse against loss or damage by fire, floods, theft or any other accident.

Insurance of goods in warehouse.

28. Every warehouseman shall have a lien on the goods stored in his warehouse for the cost of storage and preservation of the goods and for all the lawful charges incidental to the business.

Warehouseman's lien.

CHAPTER IV. 922

INSPECTION AND CLASSIFICATION OF GOODS.

Inspection.

29. The prescribed authority may inspect or examine a warehouse licensed under this Act, its machinery, equipment, goods stored therein and the account books and records relating thereto, at any time during business hours, for the purpose of satisfying itself that the requirements of this Act and the rules are being complied with.

Licensed samplers, weighers and classifiers.

30. (1) The prescribed authority may issue licences to qualified and competent persons entitling them to act as samplers, weighers and classifiers of any goods stored or to be stored in a warehouse and to issue certificates as to quality, weight or grade of the goods which they have examined.

(2) The certificates issued by samplers, weighers, and classifiers as to quality, weight or grade of the goods stored in the warehouse shall, subject to any order in appeal preferred by either of them to the Board of Arbitrators, be binding on the warehouseman and the depositor.

(3) The prescribed authority may appoint a Board of Arbitrators to decide on any complaints against samplers, weighers and classifiers or warehousemen relating to quality, weight or grade of goods stored in the warehouse. The decision of the Board of Arbitrators shall be final and shall not be liable to be questioned in any court of law.

Suspension or cancellation of licence.

31. Subject to rules made in this behalf, every licence granted to a sampler, weigher or classifier may be suspended or cancelled by the prescribed authority.

Return of licence.

32. Whenever a licence granted to a sampler, weigher or classifier expires, or is suspended or cancelled, he shall return it to the prescribed authority.

Prohibition of un-licensed weighers, classifiers, etc.

33. (1) No person who is not licensed under this Chapter shall act or hold himself out as a sampler, weigher or classifier.

(2) Any person who contravenes sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

CHAPTER V.

WAREHOUSE RECEIPTS.

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34. (1) A warehouseman shall issue a receipt in the prescribed form containing full particulars in respect of the goods stored in his warehouse by each depositor. Issue of receipts.

(2) The State Government may prescribe the stamp duty that may be levied in respect of a receipt issued under this section.

35. A receipt issued by a warehouseman shall, unless specified otherwise thereon, be transferable by endorsement, and shall entitle its lawful holder thereof to receive the goods specified in it on the same terms and conditions as the original depositor. Receipt transferable by endorsement.

36. If a receipt is lost, destroyed or damaged, the warehouseman shall, on application by the depositor and payment of the prescribed fee, issue a duplicate receipt. The duplicate receipt shall be issued under such conditions as may be prescribed. Duplicate receipt.

CHAPTER VI.

MISCELLANEOUS.

37. Where any licence is suspended or cancelled under this Act, the licensee shall not be entitled to any compensation therefor, nor shall he be entitled to any refund of any fee paid by him for the licence. No compensation for suspension or cancellation of licences.

38. Every contract or agreement which is inconsistent with the provisions of this Act or the rules, shall, to the extent of such inconsistency, be void. Contracts and agreements inconsistent with Act to be void.

39. Whoever knowingly or wilfully contravenes any of the provisions or requirements of this Act or the rules shall, if no express provision is made by this Act for the punishment of such contravention, be punishable with imprisonment for a term which may extend to one year or with fine or with both. Penalty.

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Offences by Corporations.

40. Where a person committing any offence under this Act is a company or an association or body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Appeal to State Government.

41. An appeal shall lie to the State Government within such period and subject to such conditions as may be prescribed against any order passed by the prescribed authority under any of the provisions of this Act.

Act not to affect warehouse under any other enactment.

42. Nothing in this Act shall be deemed to apply to warehouses established or licensed under any other enactment for the time being in force.

Rules.

43. (1) The State Government may, by notification in the *Mysore Gazette*, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all, or any of the following matters, namely :—

(*a*) the authority empowered to carry out the duties under this Act ;

(*b*) the form of application for the grant of licence to a warehouseman and the period and conditions of licence, its renewal, and conditions for the issue of a duplicate licence ;

(*c*) the form of receipt to be issued by a warehouseman, the particulars to be specified therein and the conditions for the issue of duplicate receipts ;

(*d*) the nature of the accounts, books and records to be maintained by a warehouseman and the persons by whom and the manner in which they may be inspected ;

(*e*) the manner of giving notices under this Act ;

(*f*) the manner of conducting a public auction for the sale of goods deteriorating in a warehouse and accounting for the proceeds of such sale ;

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(*g*) the procedure to be followed in proceedings before the Board of Arbitrators and the mode of executing their award ;

(*h*) the qualifications and grant of licences to samplers, weighers and classifiers, the conditions and period of their licences, the form of certificates to be issued by them, renewal of their licences, the conditions under which the licences may be suspended or cancelled and the conditions for the issue of duplicate licences ;

(*i*) the amount of fees for the grant of licences under this Act and their renewal and for the issue of duplicate licences ;

(*j*) the regulation of the schedule of fees or charges to be levied by a warehouseman for storing goods in the warehouse ;

(*k*) the standard weights, measures and classifications of goods to be used in warehouses under this Act ;

(*l*) the publication of the grant, suspension or cancellation of licences and the list of licensed warehouses ;

(*m*) matters arising out of sub-section (2) of section 11 of this Act ;

(*n*) all matters expressly required or allowed by this Act to be prescribed ; and

(*o*) generally for the efficient conduct of the business of a warehouseman.

Statement of Objects and Reasons.

The object of this Bill is to encourage the establishment of independent warehouses for the storage chiefly of agricultural produce, and to make provision for the proper supervision and control of such warehouses. The receipt issued by the warehouseman for the produce stored by him will be transferable by endorsement and will serve as a collateral security for any loan required by the agriculturist for the purpose of financing his seasonal agricultural operations, etc. The *modus operandi* will be as follows : The agriculturist will deposit his produce in a

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warehouse and get a receipt from the warehouseman which he will endorse in favour of the Bank or Co-operative Society giving the loan to him. As a result of this Bill, it is expected that there will be a considerable increase in the volume of finance available to agriculturists and further that the agriculturist will be able to realise better prices for his produce, as he will no longer be under the necessity of disposing of it in a hurry in unfavourable market conditions.

The Bill is based on the lines recommended by the Reserve Bank of India. Similar legislation has been passed in Bombay and Travancore.

Every warehouseman is required to take out a licence for the conduct of his business. Before granting a licence to a warehouseman, the prescribed authority will satisfy itself that the warehouse is suitable for the proper storage of the goods in respect of which the application is made, and that the applicant is competent to conduct the business. The licence will be valid for a prescribed period and may be renewed from time to time. It may be suspended or cancelled by the prescribed authority for reasons to be recorded in writing, after giving the warehouseman an opportunity of making his representations, if any, in regard to the matter. When the licence expires, or is suspended or cancelled, it is to be returned to the prescribed authority.

The warehouseman has to take proper care of the goods deposited in the warehouse, and to keep it clean and in a sanitary condition and to take all necessary precautions against rats and other pests. He should not accept for storage goods which are likely to cause damage to other goods in the warehouse. The goods of different depositors should be kept separate so as to facilitate their ready identification and delivery. If any goods deteriorate, the warehouseman should give notice to the owner of the goods asking him to take delivery of the goods; and if the owner fails to do so, within a reasonable time, the goods may be disposed of by public auction at his cost and risk. The warehouseman is required to insure goods against loss or damage by fire, floods, theft or any other accident. The warehouseman is prohibited from discriminating between persons desiring to avail themselves of the facilities of the warehouse, but preference may be shown to Co-operative

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Societies. The warehouseman is prohibited from dealing in, or lending money on, goods deposited in the warehouse.

Provision has been made for the inspection of licensed warehouses and also for the issue of licenses to qualified persons entitling them to act as samplers, weighers and classifiers. The warehouseman should provide facilities for weighing and classifying goods deposited in the warehouse.

Any contract or agreement which is inconsistent with the provisions of the Bill or the rules made under it will be void to the extent of the inconsistency.

Power has been taken to make rules under the Bill in regard to all necessary matters.

T. MARIAPPA.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

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No. L. D. 1622-28, dated Bangalore, 14th August 1950.

Under Rule 36 of the Mysore Legislative Rules, the following Bill, together with Statement of Objects and Reasons, is published for general information.

THE MYSORE CONTINGENCY FUND BILL, 1950.

A Bill to provide for the establishment of a Contingency Fund for the State of Mysore.

WHEREAS clause (2) of Article 267 of the Constitution of India provides that the Legislature of a State may by law establish a Contingency Fund in the nature of an imprest; Preamble.

AND WHEREAS it is expedient to establish such a Contingency Fund for the State of Mysore;

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Contingency Fund Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

2. There shall be established for the State of Mysore a Contingency Fund in the nature of an imprest, called "the Contingency Fund of the State of Mysore", and consisting of a sum of thirty lakhs of rupees withdrawn from the Special Reserve Fund of the State. Establishment of a Contingency Fund.

3. The Contingency Fund of the State of Mysore shall be held on behalf of the Rajpramukh by the Secretary to the State Government, Finance Department, and no advances shall be made out of such Fund except for the purpose of meeting unforeseen expenditure pending authorisation of such expenditure by the State Legislature under appropriations made by law. Custody of the Contingency Fund and withdrawals therefrom.

4. The State Government may, by notification in the *Mysore Gazette*, make rules for the purpose of carrying into effect the provisions of this Act. Power to make rules.

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Statement of Objects and Reasons.

Under the Government of Mysore Act, 1940, the Government could meet unforeseen expenditure in the service of the State without authorization from the Legislature and then regularise it by moving a supplementary demand for a grant. The present Constitution does not permit of this procedure, but it authorizes the State Legislature to pass a law for establishing a Contingency Fund in the nature of an imprest to meet only unforeseen and urgent items of expenditure. It is accordingly proposed to establish a Contingency Fund for this State.

Provision has been made in the Bill for withdrawing a sum of 30 lakhs of rupees from the Special Reserve Fund of the State and transferring it to the credit of the Contingency Fund. The advances authorised out of the Fund for unforeseen expenditure will be recouped to the Fund by supplementary funds authorized by the Legislature through supplementary appropriation accounts or at the end of the financial year. The Fund will be administered by the Finance Department on behalf of the Rajpramukh.

H. C. DASAPPA.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT).

No. H. 4579—Pol. 192-49-4, dated Bangalore, the 12th August 1950.

In exercise of the powers conferred by sub-section 1 of Section 7 of the Cinematograph Act, 1923, His Highness the Maharaja of Mysore is pleased to appoint a Board consisting of the following official and non-official members for a period of one year or till such earlier date when the Central Censorship authority is constituted by the Government of India, as the authority for the whole State for the purpose of examining and certifying films and pictorial representations as suitable for public exhibition and publication.

I. OFFICIAL MEMBERS.

1. The Deputy Inspector-General of Police, Bangalore City (*President*).
2. The Director of Public Instruction in Mysore, Bangalore.
3. The District Superintendent of Police, Bangalore North (*Secretary*).

II. NON-OFFICIAL MEMBERS.

1. The Mayor, Bangalore Corporation.
2. Sri K. S. Kumaran, C/o 'Pouravani', Bangalore City.
3. Sri Chellam, Member, Corporation of Bangalore.
4. Dr. Mrs. Rathnamma Issac, Ranga Rao Road, Shankarapuram, Bangalore 4.
5. Sm. Kamala Devi, Sheshadripuram, Bangalore City.
6. A representative of the Mysore Film Chamber of Commerce to be nominated by that body.

By Order of His Highness the Maharaja.

No. H. 4582—Pol. 192-49-5, dated Bangalore, the 12th August 1950.

In exercise of the powers conferred by sub-section 1 of Section 7 of the Cinematograph Act, 1923, His Highness the Maharaja of Mysore is pleased to continue the Mysore Cinematograph Board constituted in Notification No. P. 604—Pol. 231-47-5, dated the 14th July 1948 from 14th July 1950 to 12th August 1950 when the new Cinematograph Board is constituted for the purpose.

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

No. L. 5148—C.M. 30-50-2, dated Bangalore, 11th August 1950.

In exercise of the powers conferred by sub-section (2) of Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (LXIX of 1949), His Highness the Maharaja of Mysore is pleased to make the following rules for the adjudication by the Court of the District Judge, Bangalore Division, of disputes arising out of elections of Councillors or Aldermen of the Corporation of the City of Bangalore and for an appeal on a point of law to the High Court from the decision of such Court.

RULES.

Save as otherwise provided, no election held under the City of Bangalore Municipal Corporation Act, 1949 (hereinafter referred to as the Act) of a Councillor or an

Alderman of the Corporation of the City of Bangalore shall be called in question except by an election petition presented in accordance with these rules to the court of the District Judge, Bangalore Division, (hereinafter referred to as the Court) by any candidate or elector against the candidate (hereinafter called the returned candidate) who has been declared to have been duly elected.

2. The petition shall be presented within seven days of the date of the declaration of the result of the election and shall contain a statement, in concise form, of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall where necessary be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure.

3. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected ; in such case he shall join as respondent to his petition all other candidates who were nominated for the election but had not withdrawn before the polling.

4. (1) At the time of the presentation of the petition, the petitioner shall deposit with it, as security for the costs of the same, a sum of two hundred rupees in cash.

(2) If the provisions of sub-rule (1) are not complied with, the Court shall dismiss the petition.

(3) Upon compliance with the provisions of sub-rule (1), the Court shall proceed to enquire into the petition.

5. The Court shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Commissioner of the Corporation of Bangalore. Copies shall also be affixed to the Notice Board of the Court and of the Municipal Office. It may also call on the petitioner to execute a bond in such amount and with such sureties as it may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing similarly such security as may be demanded by the court.

6. Every election petition shall be enquired into by the Court as nearly as may be, in accordance with the

procedure applicable to the trial *of suits in the Court of the District Judge, Bangalore Division.*

7. (1) No election petition shall be withdrawn without the leave of the court.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published as specified in Rule 5.

(4) No application for withdrawal shall be granted if the Court is of opinion that such application has been induced by any bargain or consideration which, it considers, ought not to be allowed.

(5) If the application is granted—

(*a*) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Court may think fit ; and

(*b*) such withdrawal shall be communicated to the Commissioner of the Corporation by the Court.

8. An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners and such abatement shall be communicated to the Commissioner of the Corporation by the Court.

9. Where at any inquiry into an election petition any candidate other than the returned candidate, claims the seat for himself, the returned candidate or any other party to the proceeding may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

10. At any enquiry into an election petition the Commissioner of the Corporation of Bangalore may appoint a legal practitioner or other person to attend and take such part therein as the Court may allow.

11. If in the opinion of the Court—

(*a*) the returned candidate, his agent, or any other person with the connivance of such candidate or agent has committed or abetted the commission of, any election offence punishable under Section 69 of the Act or under Chapter IX-A of the Indian Penal Code, or

(*b*) the election of the returned candidate has been procured or induced or the result of the election has been materially affected by any of the following corrupt practices :—

(i) any election offence punishable under Section 69 of the Act or under Chapter IX-A of the Indian Penal Code when committed by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent ;

(ii) any payment or promise or payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote ;

(iii) the hiring, employment, borrowing or using for the purpose of election of any vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire :

Provided that any elector may hire any vehicle or animal or use any vehicle or animal, which is his own property to convey himself or from the place where the vote is recorded ;

(iv) the hiring, using or letting as a committee room or for the purpose of any meeting to which electors are admitted of any building, room or other place where intoxicating liquor is sold to the public ; or

(*c*) the result of the election has been materially affected by any irregularity in respect of any nomination or the improper acceptance or refusal of any nomination or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules made thereunder the election of the returned candidate shall be void ; subject to the provisions contained in rule 12 below:

Provided that if the Court is of opinion that any corrupt practice specified in clause (*b*) of this rule, which does not amount to any form of bribery other than treating as hereinafter explained, has been committed and if the Court is further of opinion that the candidate has satisfied it that—

(*a*) no corrupt practice was committed at such election by the candidate and that any corrupt practices

committed were committed contrary to the orders and without the sanction or connivance of such candidate; and

(*b*) such candidate took all reasonable means for preventing the commission of corrupt practices at such election; and

(*c*) the corrupt practices committed were of a trivial unimportant and limited character; and

(*d*) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents; then the court may find that the election of such candidate is not void.

Explanation.—For the purpose of this rule "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

12. If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under Section 68 of the Act or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Explanation.—The expression "error" in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or Rules made thereunder whereby the result of election has been materially affected.

13. (1) At the conclusion of the enquiry the Court shall declare whether the election of the returned candidate is void under Rule 11.

(2) If it declares the election of the returned candidate void, it shall further pass an order, either—

(*a*) declaring that any other party to the petition who has under these rules claimed the seat has been duly elected; or

(*b*) ordering a fresh election.

(3) The order of the Court under sub-rules (1) and (2) shall subject to the decision of the High Court under Rule 15 be final.

(4) A copy of every order under sub-rule (1) or sub-rule (2) shall be communicated to the Commissioner of the Corporation.

14. When an election is declared void under sub-rule (1) of Rule 13 and a fresh election is ordered under clause (*b*) of sub-rule (2) of Rule 12, the seat of the returned candidate shall be deemed to be vacant from the date of the order of the Court and the authority concerned shall forthwith take the necessary steps for holding such fresh election.

15. An appeal shall lie to the High Court from the order of the Court on a point of law and such appeal shall be preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order.

By Order of His Highness the Maharaja,

L. MUNISWAMY,
Secretary to Government,
Local Self-Government Department.

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ELECTRICAL SECRETARIAT.

Notification dated 10th August 1950.

No. E.D.S. 2240 —Elecl. 212-50-6. In exercise of the powers conferred by Section 3 of the Mysore Electricity (Taxation on Consumption) Ordinance, 1950 (Mysore Ordinance No. IV of 1950), His Highness the Maharaja of Mysore is pleased to specify that the rate of tax leviable under the said Section shall be as specified in the Schedule.

SCHEDULE.

Sl. No.	Description	Type-Capacity.	Tax at 10 per cent on the existing rates and rated Minimum Rs. as. ps.
1	Major Municipalities (Except Civil Station, Bangalore, which is governed by a separate agreement.)	Overhead 40 to 60 C.P.	2 4 0
	Ornamental ...	Each 150 to 400 C.P.	4 8 0
	Five light cluster	Do ...	15 0 0
	High candle power lamps.	2,000 C.P. ...	15 0 0
	Do ...	1,000 C.P. ...	7 8 0
	Do ...	600 C.P. ...	6 0 0
	Traffic Columns	....	5 0 0
	Flood Lights ...	800 to 1,000 C.P.	15 0 0
2	Minor Municipalities and Village Panchayets.—		
	Overhead ...	20 Watts	1 8 0
	Do ...	40 ,,	1 13 0
	Do ...	60 ,,	2 4 0
3	Cinema Installations (for the entire consumption irrespective of the use of power for different purposes).		Per K.W.H. 2 pies
4	Flour Mills in Bangalore (including Civil Station) and Mysore Cities.		1.2 pies
	Do in other places including combined power installations. (They will be classified as other Industries).		Do
	Photographic Studios and Printing Presses.		Do
	Other Industries (inclusive of Motion Picture Production Studios)—		
	(a) Rated Up to 10 H.P. ...		Do
	(b) ,, 11 to 20 H.P. (both inclusive)		Do
	(c) ,, 21 to 50 H.P. (both inclusive)—		
	(i) High Tension Supply ...		1 pie
	(ii) Low Tension Supply ...		1.2 pies
	(d) Rated from 51 to 100 H.P.—		
	(i) High Tension Supply		
	for the first 80 units per H.P.		0·08 anna
	81 to 150 units per H.P.		0 06 anna
	Over 150 units per H.P.		0·05 anna
	(ii) Low Tension—		
	for the first 80 units per H.P.		0·08 anna
	81 to 150 units per H.P.		0·07 anna
	Over 150 units per H.P.		0·055 anna
5	Textile mills and other industries having separate rates for Day and Night power.—		
	Day power		0·055 of anna
	Night power		0·035 of anna

Sl. No.	Description	Tax at 10 per cent on the existing rates and rated Minimum
	Type-Capacity.	
6.	Others who have different rates:	Per K.W.H.
	(a) The Mysore Commercial Union, Yeswanthapur.	0·07 of anna
	(b) Hindustan Aircraft Ltd., Bangalore.	
	Heating Loads	0·05 do
	Induction Load	0·06 do
	(c) The Tobacco Manufacturers (India) Ltd., Bangalore.	0·08 do
	(d) The Kolar Gold Field Mines ...	0·049 do
	(e) The Mysore Chromite Mines ...	0·07 do
		0·06 do
		0·045 do
	(f) The Mysore Sugar Factory Ltd., Mandya	0·066 do
	(g) The Mysore Chemicals and Fertilizers, Belagola.	0·0125 do
	(h) The Ferro-Alloy Furnaces, Mysore.	0·025 do
	(i) Pumping installation belonging to Town Municipality, Village Panchayets and Local bodies (excluding the power installation used for water supply to Bangalore City and Civil Station, Mysore City and the Kolar Gold Field) for pumping of water required for drinking and other domestic purposes.	0·06 do
	(j) Power supply to Hindupur area of the State of Madras:	

(i)	Up to 1,00,000 K.W.H. ...	0·045	do		(a) Upto 1000 K.W. 4·8 annas per K.W. plus (b) 1000K.W. and over 4·4 annas per K.W.
(ii)	Exceeding 1,00,000 to 1,50,000	0·0425	do		
(iii)	Do 1,50,000 to 2,00,000	0·0400	do		
(iv)	Do 2,00,000 to 3,00,000	0·0375	do		
(v)	Do 3,00,000 to 5,00,000	0·0350	do		
(vi)	Do 5,00,000 to 10,00,000	0·0325	do		
(vii)	Do 10,00,000 ...	0·0300	do		

Notification dated 10th August 1950.

No. E.D.S. 2244—Elecl. 212-50-7. In exercise of the powers conferred by Section 5 of the Mysore Electricity (Taxation on Consumption) Ordinance, 1950, (Mysore Ordinance No. IV of 1950), His Highness the Maharaja of Mysore is pleased to make an exemption in respect of the tax payable under the said Ordinance on energy supplied for the purposes specified hereunder, through electrical installations maintained for the said purposes, namely :—

(a) Domestic lighting.
(b) Irrigation pumping.
(c) Cooking and Heating including domestic pumping.

By Order of His Highness the Maharaja

Notification dated 10th August 1950.

No. E.D.S. 2248—Elecl. 212.50-8. In exercise of the powers conferred by Section 6 of the Mysore Electricity (Taxation on Consumption) Ordinance, 1950, (Mysore Ordinance No. IV of 1950), His Highness the Maharaja of Mysore is pleased to make the following Rules, namely—

1. These rules may be called the Mysore Electricity (Taxation on Consumption) Rules, 1950.
2. The tax payable under Section 3 of the Ordinance shall in the case of bulk supplies of energy made under a contract in writing with the Electrical Department, and in all other cases, be paid along with, and at the same time and in the same manner as the price for the energy supplied is paid.

By Order of His Highness the Maharaja,

B. S. NARASINGA RAO,

Secretary to Government,

Electrical Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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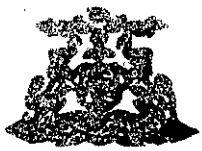

The Mysore Gazette

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PART IV

Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 1661—Legis. 5-50-13, dated Bangalore, the 22nd August 1950.

Ordered that the accompanying Constitution (Scheduled Castes) Order, 1950 (C.O. 19), published in the *Gazette of India*, Part II, Section 3, dated the 11th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW.

NOTIFICATION. 941

New Delhi, the 10th August 1950.

S.R.O. 385.—The following Order made by the President is published for general information :—

C.O. 19.

THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950.

In exercise of the powers conferred by clause (1) of Article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely :—

1. This Order may be called the Constitution (Scheduled Castes) Order, 1950.

2. Subject to the provisions of this Order, the castes, races or tribes, or parts of, or groups within, castes or tribes, specified in Parts I to XVI of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards members thereof resident in the localities specified in relation to them in those Parts of that Schedule.

3. Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste :

Provided that every member of the Ramdasi, Kabirpanthi, Mazhabi or Sikligar caste resident in Punjab or the Patiala and East Punjab States Union shall, in relation to that State, be deemed to be a member of the Scheduled Castes whether he professes the Hindu or the Sikh religion.

4. Any reference in the Schedule to this Order to a district or other territorial division of a State shall be construed as a reference to that district or other territorial division as existing on the 26th January, 1950.

THE SCHEDULE.

PART XII—MYSORE

Throughout the State :—

1 Adidravida
2 Adikarnataka
3 Banjara or Lambani
4 Bhovi
5 Koracha.
6 Korama

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. T. 4072—R. T. 2-49-26, dated Bangalore, the 17th August 1950.

In exercise of the powers conferred under Section 45 of the Mysore Motor Vehicles and Road Traffic Act, 1944, (Mysore Act No. XXVII) and in modification of Government Notification No. T. 3425—R.T. 2-49-13, dated 12th November 1949, the District Traffic Advisory Committee for Bangalore District is reconstituted as follows :—

A. Official Members.

1. The District Magistrate, Bangalore District, (Chairman).
2. The Commissioner, Municipal Corporation of the City of Bangalore.
3. The Executive Engineer, Bangalore District.
4. The Deputy Inspector-General of Police in Mysore, Bangalore.
5. The District Traffic Superintendent, Mysore State Railway, Bangalore.
6. The District Superintendent of Police, Bangalore.
7. The Superintendent of Police, Bangalore North.
8. The Superintendent of Police, Bangalore South.

B. Non-official Members.

1. Sri H. R. Guruv Reddy, B.A., LL.B., President, Bangalore District Board, No. 37, Gandhi Nagar, Bangalore—2.
2. Sri S. L. Mannaji Rao, Yarn Merchant, Avenue Road, Bangalore City.
3. Sri G. S. Deva Dass, Timber Merchant, No. 39, Sanjeeva Naik Lane, Cubbonpet, Bangalore—2.
4. The Secretary, Automobile Association, Civil Station, Bangalore.
5. Sri B. N. Gupta, Town Hall Road, Bangalore City.
6. Sri K. Shamaraja Iyengar, B.A., No. 87, Gavipur Extension, Bangalore City.
7. Sri T. L. Gangoji Rao, Silk Merchant, No. 138, Lakshman Rao Road, Balepet, Bangalore City.
8. Sri Ramaswami Reddy, Jigala Village, Sarjapur Hobli, Anekal Taluk.

9. Janab C. Abdul Kareem, B.A., Merchant and Municipal Councillor, Channapatna.
10. Sri S. R. Guru Dodballapur.
11. Sri D. Venkatachalapathy Setty, Jeweller, Kankanhalli.
12. Sri T. Madiah Gowda, B.A., LL.B., Advocate and Chairman, District Development Committee, Ramanagaram.
13. *Lokasevaniratha* M. Hanumanthiah, Nelamangala.
14. Sri Venkata Subbiah, President, Municipal Council, Hoskote.
15. Sri Gubbi Hutchappa, Municipal Councillor, Nelamangala.

By Order of His Highness the Maharaja,

No. T. 4096—R.T. 144-49-17, dated Bangalore, the 18th August 1950.

In exercise of the powers conferred by Section 39 of the Mysore Motor Vehicles and Road Traffic Act, 1944, (Mysore Act No. XXVII of 1944), His Highness the Maharaja of Mysore is pleased to fix the maximum fares as specified below, to be charged for the use of Motor Cabs licensed to carry not more than three persons, also called Auto-Rickshaws plying within the limits of the City of Bangalore Municipal Corporation, the notification calling for objections or suggestions on the proposal having been published in Part IV, Section 2-B of the *Mysore Gazette* dated the 13th July 1950:—

		Fares.
1.	For the first mile or part thereof ...	Not exceeding four annas.
2.	For each subsequent quarter of a mile or part thereof.	Not exceeding one anna.
		Waiting Charges.
3.	For every 15 minutes or part thereof.	Not exceeding three annas.
		Luggage Charges.
4.	For every article up to one maund.	Not exceeding one anna.

By Order of His Highness the Maharaja,

L. MUNISWAMY,

Secretary to Government,

Local Self-Government Department.

No. L. S. 1650—L.W. 153-50-4, dated Bangalore, 17th August 1950.

In exercise of the powers conferred by clause (*a*) of sub-section (1) of Section 6 read with Section 9 of the Mysore Minimum Wages Act, 1949, (XXIX of 1949), His Highness the Maharaja of Mysore is pleased to appoint a Committee consisting of the following persons to hold enquiries and advise the Government regarding the fixation of minimum rates of wages and minimum work-loads in respect of Employment in the Textile Mills in Mysore, namely :—

1.	*Rajadharmaprasakta* T. Singaravelu Mudaliar, B.A., B.L., Retired Judge, High Court of Mysore, Basavanagudi, Bangalore.	(Chairman).
2.	Mr. A. Nisbet, Managing Director, Bangalore Woollen, Cotton and Silk Mills, Bangalore.	Representatives of Employers.
3.	Sri B. Ganapathi Rao, General Manager, Minerva Mills, Bangalore.	
4.	Sri Y. Gopalakrishna Setty, Proprietor, Krishna Weaving Mills, Bangalore.	
5.	Sri K. S. Kumaran, Secretary of the Mysore State Federation of Labour, Bangalore.	Representatives of Employees.
6.	Sri K. Puttaswamy, B.A. (Hons.), LL.B., President, Krishnarajendra Mills Labour Association, Mysore.	
7.	Srimathi Kamala Devi, Bangalore ...	
8.	Mr. V. L. D'Souza, B.A., B.Com. (Lond.), Professor of Economics, University of Mysore, Mysore.	Independent Members
9.	Sri K. Chikkanarayanaswamy, B.Sc., Additional Director of Industries and Commerce in Mysore, Bangalore.	(Secretary).

The Committee is requested to make its recommendations to Government within a period of three months from the date of publication of this Notification.

By Order of His Highness the Maharaja,

No. L.S. 1666—L.W. 27-50-6, dated Bangalore, 18th August 1950.

In exercise of the powers conferred by Section 6 of the Essential Services (Maintenance) Act, 1942, (Mysore Act No. XXIII of 1942), His Highness the Maharaja of Mysore is pleased to make the following rule, namely :

The District Magistrate of each District shall be the specified authority empowered to regulate the wages and

other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under Section 3 of the said Act to be an employment or class of employment to which the said Act applies.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

No. S. R. 2705—Ex. 66-50-2, dated Bangalore, the 18th August 1950.

In exercise of the powers conferred by Sections 16 and 29 of the Mysore Excise Act, 1901, (Mysore Act No. V of 1901), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made to the rules regulating Sales of Excise Privileges issued in Notification No. Fl. 6331—Ex. 111-40-3, dated 27th March 1941, as subsequently amended :—

For the second sentence in clause 2 of "The conditions applicable to Toddy Licenses" occurring in Section V of the said Rules, the following sentence shall be substituted, namely—

"If the Deputy Commissioner is of the opinion that the said (hiduvali) trees should not be tapped, he shall have the power

(i) to refuse the grant of license for tapping such trees, or

(ii) if a license has already been granted to withdraw such license ;

and the licensee affected shall not be entitled to any damages in respect of such refusal or withdrawal.

By Order of His Highness the Maharaja,

T. RANGAMALLIAH,

Secretary to Government,
Revenue Department.

No. C. 675—Co. 23-49-62, dated Bangalore, the 19th August 1950.

In exercise of the powers conferred by Section 3 and clause (*a*) of Sub-section (1) of section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Schedule to notification No. C. 3130—Co., dated the 3rd October 1949 namely :—

(1) In respect of the drugs in the said schedule specified in column 1 hereunder which are manufactured by Glaxo Laboratories, Boots, Pure Drug Co., (India) Ltd., Bombay, Martin & Harris Ltd., Bombay. (E.R. Squibb & Sons International Corporation Incorporated, New York, U.S.A. Parke Davis & Company, Bombay, UK Manufacture, Geoffrey Manners & Co., Ltd., Bombay, "Wyeth Incorporated, Philadelphia" and Abbot Laboratories (India) Ltd., for the prices specified in column 2 of the said schedule the prices specified in column 2 hereunder shall be substituted.

GLAXO LABORATORIES.

	Units	Rs.			
Penicillin Crystalline "G"	100,000	0	13	0	each phial.
Do do	200,000	1	4	0	Do
Do do	500,000	2	5	0	Do
Do do	1,000,000	4	4	0	Do

BOOTS PURE DRUG CO., (INDIA) LTD., BOMBAY.

	Rs.	a.	p.
Penicillin Procaine—Injections of R/C Vials containing 10 c.c. (1 c.c. 300,000 IU).	28	0	0
Penicillin Eye Ointment : Tube of 1 dr. ...	1	0	0
Penicillin Snuff 1 oz. pot	2	0	0
Penicillin Dental Cirate : ½ oz. Tube ...	2	8	0
Penicillin with Flavazole dental cerate ½ oz. tube	2	8	0

MARTIN & HARRIS, LTD., BOMBAY.

E.R. Squibb & Sons International Corporation Incorporated, New York, U.S.A.

Rubramin (Vitamin B 12) Concentrate Box of 5×1 cc	13	1	0

PARKE DAVIS & COMPANY, BOMBAY.

UK Manufacture

		Rs.	a.	p.
Abidon with Vit. C Caps	25's ...	4	7	0
Adrenalin Solution 1-100	5 c.c. ...	4	4	0
Adrenalin Chloride Solution 0·5 c.c.	6's ...	2	6	0
Adrenalin in Oil 1 c.c. amps.	6's ...	4	4	0
Cevibex Tablets	25's ...	2	11	0
Do	100's ...	7	11	0
Cod Liver Oil Emulsion	8 oz. ...	4	0	0
Ferradol	1 lb. ...	5	0	0
Vibex Solution (Thiamine Hydrochloride) 5 cc. 50 mgm. per c.c.		3	4	0
Vibex Solution (Thiamine Hydrochloride) 5 cc. 100 mgm per cc.		4	14	0
Vibex Tablets 10 mgm. 25	...	3	2	0
Vibex Tablets 10 mgm. 100	...	8	6	0

GEOFFREY MANNERS & CO., LTD., BOMBAY.

"Wyeth Incorporated, Philadelphia"

'Wycillin' Crystalline Procaine Penicillin) 400,000 units per cc. Buffered–For Aqueous Injections	1 c.c.	7	5	4
Do do	5 cc.	21	9	7
'Penioral' (Penicillin tablets)—50,000 units per tablet 12's		7	8	0
'Penioral' (Penicillin tablets)—100,000 units per tablet 12's.		13	3	3

ABBOT LABORATORIES (INDIA) LTD.

Penicillin G Procaine in Oil, 3 lac units with Disposable Syringe.	7	4	0 per set
Penicillin Rapid/Repository (3 lac units procaine *plus* 1 lac units potassium penicillin) with diluent.	8	4	0

(2) (*a*) For the entry "Crystalline Penicillin Sodium G" under the heading "Martin & Harris Ltd., Bombay, E.R. Squibb & Sons International Incorporated, New York, U.S.A. appearing in the said schedule, the entry "Penicillin Crystalline G Potassium or Sodium" shall be substituted.

(*b*) For the entry "Crystalline Penicillin Sodium G" occurring under the same firm's name, the entry "Penicillin Crystalline G Potassium or Sodium" shall be substituted.

By Order of His Highness the Maharaja,

No. C. 690—Co. 23-49-63, dated Bangalore, 19th August 1950.

In exercise of the powers conferred by Section 3 and Clause (a) of Sub-Section (1) of section 4 of the Mysore Drugs (Control) Act, 1950 (Mysore Act No. VI of 1950), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Notification No. C. 3130—Co., dated the 3rd October 1949, namely :—

In the Schedule annexed to the said notification—

(1) To the entries under the heading "Boots Pure Drug Co., (India) Ltd., Bombay" the following entries shall be added, namely :—

	Rs.	a.	p.	
Penicillin Dental Cream Anhydrous 60 grs. tube ...	1	8	0	each
Penicillin Oral Tablets (Pot. Salt) 100,000 I.U. Tube of 10	8	8	0	,,

(2) To the entries under the heading "Glaxo Laboratories" the following entry shall be added, namely :—

	Rs.	a.	p.	
Dihydrostreptomycin Sulphate ...	3	5	0	per one gram phial.

(3) To the entries under the heading "Martin & Harris Limited, Bombay (E. R. Squibb & Sons International Corporation, Incorporated—New York, U.S.A.)" the following entries shall be added, namely :—

Dihydro Streptomycin Sulfate Squibb—

	Rs.	a.	p.
Vial of 1 gram	5	0	0
Vial of 2 gram	9	0	0
Vial of 5 gram	21	0	0

(4) To the entries under the heading "Abbot Laboratories (India) Limited, Bombay" the following entries shall be added, namely :—

	Rs.	a.	p.	
Penicillin G Potassium or Sodium 200,000 units ...	1	15	0	per vial.
Do do 500,000 do ...	4	0	0	,,
Do do 1,000,000 do ...	7	8	0	,,
Penicillin G Procaine in Oil 300,000 units Cartridge (with needle)	6	10	0	per set.
Penicillin G Procaine in Aqueous Suspension 300,000 units	5	8	0	,,
Abbocillin D.C., 600,000 units with Disposable Cartridge Syringe	12	0	0	,,
Dihydrostreptomycin Sulphate 1 gram vials ...	6	8	0	per vial.

(5) To the entries under the heading "Parke Davis & Company" the following entries shall be added namely:—

	U.K. Manufacture Rs.	a.	p.
Cod Liver Oil Emulsion Creosoted 8 oz. ...	4	0	0
Liver Extract 2 U.S.P. per c.c. 10 c.c. ...	6	2	0

(6) The following heading and entries shall be added, namely:—

The East Asiatic Co. (India), Ltd., Bombay.

"'*Dumex*' *Copenhagen* (*Denmark*)."

	Rs.	a.	p.
Dihydrostreptomycin per vial of 1 gm.	5	12	0

By Order of His Highness the Maharaja.

No. D. 3538, dated Bangalore, the 22nd August 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to in Mysore, and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947, (Mysore Act XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Iron and Steel (Control of Distribution) Order, 1941, and to direct with reference to sub-rule (1) of Rule 119 of the said Rules that notice of this order shall be given by publication in the *Mysore Gazette* and by the issue of a press note indicating its provisions.

In the said Order—

1. Sub-clause (c) of Clause 11 (2) shall be omitted.

2. After Clause 11-B, the following clause shall be inserted namely:—

"11-C. POWER OF THE CONTROLLER.—The Controller may, with a view to securing compliance with this order—

(*a*) require any person to give such information in his possession with respect of any business carried on by that or any other person;

(*b*) inspect or cause to be inspected any books or other documents belonging to or under the control of any person;

(*c*) enter and search, or authorise any person to enter and search, any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this order has been, is being or is about to be committed, and any other article in the premises, which he has reason to believe has been or is intended to be used in connection with such contravention.

3. In the Schedule, Item "24, Pressure Pipes made of any substance reinforced with iron or steel" shall be deleted.

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,

Food and Agriculture Departments.

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The Mysore Gazette

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PART IV

Section I-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 1653—Legis. 2-50-25, dated Bangalore, the 21st August 1950.

Ordered that the following Naval Forces (Miscellaneous Provisions) Ordinance, 1950 (XXI of 1950), published in the *Gazette of India*, dated the 23rd July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE NAVAL FORCES (MISCELLANEOUS PROVISIONS) ORDINANCE, 1950.

ORDINANCE No. XXI OF 1950.

An Ordinance to make certain additional provisions respecting the naval forces of the Union so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (*1*) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(*1*) This Ordinance may be called the Naval Forces (Miscellaneous Provisions) Ordinance, 1950.

(*2*) It shall come into force at once.

2. Ineligibility of females for enrolment or appointment in the naval forces.—No female shall be eligible for enrolment or appointment in the naval forces except in such department, branch or other body forming part of, or attached to any portion of, the naval forces as the Central Government may, by notification in the Official Gazette, specify in this behalf.

3. Power to modify certain fundamental rights in their application to members of the naval forces.—Subject to the provisions of any law for the time being in force relating to the naval forces or to any part thereof, the Central Government may, by notification in the Official Gazette, make rules—

(*a*) restricting, to such extent and in such manner as may be necessary, the right of any member of the naval forces—

(*i*) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade unions or labour unions, or any society, institution or association, or any class of societies, institutions or associations ;

(*ii*) to attend or address any meeting or to take part in any demonstration organized by any body of persons for any political or other purpose ;

(*iii*) to communicate with the press or to publish or cause to be published any book, letter or other document ;

(*b*) providing for the manner in which and the period for which any member of the naval forces may be taken into, and detained in, naval custody, pending the trial of any such member by a competent naval authority for any offence committed by him.

4. Continuation of existing rules, regulations, etc.—All rules, regulations, orders, directions, and instructions relating to members of the naval forces or any part thereof, made or issued before the commencement of this Ordinance by or under the authority of the Central Government or of the Commander-in-Chief, Indian Navy, or by any other competent naval authority, shall, in so far as they relate to any of the matters dealt with in this Ordinance, have effect as if they were rules made under this Ordinance.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary to the Government of India.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

Section—1-B.

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ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L. D. 1654–Legis. 2-50-26, Dated Bangalore, 21st August 1950.

Ordered that the accompanying Influx from Pakistan (Control) Amendment Ordinance, 1950 (XXII of 1950) published in the *Gazette of India*, Part II, Section 1, dated the 24th July 1950 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.
MINISTRY OF LAW.

New Delhi, the 24th July, 1950

THE INFLUX FROM PAKISTAN (CONTROL) AMENDMENT ORDINANCE, 1950.

No. XXII OF 1950.

An Ordinance to amend the Influx from Pakistan (Control) Act, 1949.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (*1*) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(*1*) This Ordinance may be called the Influx from Pakistan (Control) Amendment Ordinance, 1950.

(*2*) It shall come into force at once.

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2. *Amendment of Section 1, Act XXIII of 1949.*—In sub-section (2) of section 1 of the Influx from Pakistan (Control) Act, 1949 (hereinafter referred to as the said Act), the words " except the State of Hyderabad " shall be omitted.

3. *Amendment of Section 2, Act XXIII of 1949.*—Clause (*d*) of Section 2 of the said Act shall be omitted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

NOTIFICATION.

No. L.D. 1670—Legis. 2-50-29, dated Bangalore, 23rd August 1950.

Ordered that the accompanying Census (Amendment) Act, 1950, (LI of 1950) published in the *Gazette of India*, Part II, Section 1, dated the 16th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

ACT No. LI OF 1950.

Received Assent on 14th August 1950.

THE CENSUS (AMENDMENT) Act, 1950.

AN

ACT

to amend the Census Act, 1948.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Census (Amendment) Act, 1950.

2. Amendment of section 1, Act XXXVII of 1948.—In sub-section (2) of section 1 of the Census Act, 1948 (hereinafter referred to as the said Act), for the words "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin " the words " except the State of Jammu and Kashmir " shall be substituted.

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3. Insertion of new section 2 in Act XXXVII of 1948.—After section 1 of the said Act, the following section shall be inserted, namely :—

"2. *Rule of construction respecting enactments not extending to Part B States.*—Any reference to the Indian Penal Code (Act XLV of 1860) or the Indian Evidence Act, 1872 (I of 1872), shall, in relation to a Part B State, be construed as a reference to the corresponding enactment in force in that State."

4. Amendment of section 14, Act XXXVII of 1948.—In section 14 of the said Act, after the words "Magistrate of the second class", the words "or in a Part B State, a Magistrate corresponding to a Magistrate of the second class" shall be inserted.

5. Repeals and savings.—(*1*) If immediately before the commencement of this Act there is in force in the States of Hyderabad and Mysore any law which corresponds to the said Act, it is hereby repealed.

2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the repealed law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the said Act, as if the said Act were in force on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

No. L. D. 1671—Legis. 2-50-28, dated Bangalore, the 23rd August 1950.

Ordered that the accompanying Preventive Detention (Amendment) Act, 1950 (L of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 16th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

ACT No. L OF 1950.

Received Assent on 14th August 1950.

The Preventive Detention (Amendment) Act, 1950.

An
ACT

to amend the Preventive Detention Act, 1950.

Be it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Preventive Detention (Amendment) Act, 1950.

2. Amendment of section 3, Act IV of 1950.—In section 3 of the Preventive Detention Act, 1950 (hereinafter referred to as the said Act)—

(*i*) in sub section (2), for the words "Any district magistrate or sub-divisional magistrate, or, in a presidency-town, the Commissioner of Police, may," the following shall be substituted, namely :—

"Any of the following officers, namely :—

(*a*) district magistrates,

(*b*) additional district magistrates specially empowered in this behalf by the State Government;

(*c*) sub-divisional magistrates,

(*d*) in the presidency-towns, Commissioners of Police, and

(*e*) in the State of Hyderabad, Civil Administrators, may,";

(*ii*) in sub-section (3), for the words "by a district magistrate, sub-divisional magistrate or Commissioner of Police," the words, brackets and figure "by an officer mentioned in sub-section (2)," shall be substituted.

3. Omission of section 14 Act IV of 1950.—Section 14 of the said Act shall be omitted.

4. Repeal of Ordinance XIX of 1950.—(1) The Preventive Detention (Amendment) Ordinance, 1950 (XIX of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM,
Secretary.

NOTIFICATION.

No. L.D. 1672—Legis. 2-50-27, dated Bangalore, 23rd August 1950.

Ordered that the accompanying Contingency Fund of India Act, 1950 (XLIX of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 16th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 15th August 1950.

THE CONTINGENCY FUND OF INDIA ACT, 1950.

ACT No. XLIX OF 1950

AN

ACT

to provide for the establishment and maintenance of Contingency Fund.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Contingency Fund of India Act, 1950.

2. **Establishment of the Contingency Fund of India.**—There shall be established a Contingency Fund in the nature of an imprest entitled the Contingency Fund of India, into which shall be paid from and out of the Consolidated Fund of India a sum of fifteen crores of Rupees.

3. **Custody of the Contingency Fund and withdrawals therefrom.**—The Contingency Fund of India shall be held on behalf of the President by a Secretary to the Government of India in the Ministry of Finance, and no advances shall be made out of such fund except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament under appropriations made by law.

4. **Power to make rules.**—For the purpose of carrying out the objects of this Act, the Central Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawal of moneys from, the Contingency Fund of India.

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

PART IV

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Section I-C.

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 1641—Legis. 4-50-38, dated Bangalore, 21st August 1950.

Ordered that the following Notification No. S.R.O. 254, dated 15th July 1950 of the Ministry of Commerce—The Central Tea Board Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 15th July 1950, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMERCE

CENTRAL TEA BOARD

New Delhi, the 15th July 1950

S.R.O. 254.—In exercise of the powers conferred by section 15 of the Central Tea Board Act, 1949 (XIII of 1949), and after consulting the Central Tea Board, the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely :—

CENTRAL TEA BOARD RULES

1. *Short title.*—These rules may be called the Central Tea Board Rules, 1950.

2. *Definitions.*—In these rules—

(i) "The Act" means the Central Tea Board Act, 1949.
(ii) 'Chairman' means the Chairman of the Central Tea Board.

(iii) 'Vice-Chairman' means the Vice-Chairman of the Central Tea Board.

(iv) 'Member' means a member of the Central Tea Board.

(v) 'Secretary' means the Secretary to the Central Tea Board for the time being and includes an Acting or Assistant Secretary.

3. *Headquarters.*—The headquarters of the Board shall be at Calcutta.

Constitution of the Board and procedure to fill vacancies.

4. *Nominations.*—The regional representatives on the Board, other than those to be nominated by the State Governments shall be nominated as follows, namely :—

(*a*) Assam—

(i) Three members to be nominated by the Indian Tea Association in consultation with Assam and Surma Valley Branches, and

(ii) one member to be nominated by the Assam Tea Planters' Association, and

(iii) one member to be nominated jointly by the Assam Bengal Indian Tea Planters' Association and Surma Valley Indian Tea Planters' Association.

(*b*) West Bengal—

(i) Two members to be nominated by the Indian Tea Association in consultation with the Darjeeling, Dooars and Terai Planters' Associations, and

(ii) one member to be nominated jointly by the Indian Tea Planters' Association, Jalpaiguri and the Terai Indian Planters' Association.

(*c*) Madras—

Two members to be nominated by the United Planters' Association of Southern India.

(*d*) Travancore—

One member to be nominated by the Association of Planters of Travancore.

5. All nominations of members of the Board shall be made within 30 days from the date on which such nominations are called for by the Central Government or the Secretary to the Board.

6. *Resignation.*——A member of the Board may resign his office by letter addressed to the Secretary to the Board :

Provided that he shall not vacate his office until his resignation is accepted.

7. *Removal from the Board.*—The Central Government may remove any member of the Board from his office

(*a*) if he becomes of unsound mind, or becomes bankrupt or insolvent, or suspends payments, or compounds with his creditors, or

(*b*) if he is convicted of a criminal offence involving moral turpitude or

(*c*) if, without leave of the Chairman, he—

(i) absents himself from India for more than six months, or

(ii) fails to attend more than two successive meetings of the Board.

8. *Absence from India.*—Before a member of the Board leaves India he shall intimate to the Secretary the date of his departure from and the date of his expected return to India.

9. *Vice-Chairman.*—(1) The Board shall in each year elect a member to be Vice-Chairman of the Board for twelve months commencing from the date of the election.

(2) In the event of the Vice-Chairman resigning his office as such or ceasing to be a member of the Board, the Board shall forthwith elect a member to be Vice-Chairman of the Board for the unexpired portion of the term of office of the Vice-Chairman elected under sub-rule (1).

10. *Minimum number of meetings.*—The Board shall meet at least once in a quarter.

11. *Power to call meetings.*—The Central Government or Chairman may, at any time, call a meeting of the Board, and the latter shall do so, if a requisition for that purpose is presented to him in writing by at least ten members of the Board.

12. *Quorum.*—No business shall be transacted at a meeting of the Board unless there are present at least ten members.

13. *Business by circulation.*—(1) Any business which it may be necessary for the Board to transact may, if the Chairman so directs, be carried out by circulation of papers among all its members and any resolution so circulated and approved by the majority of members signing shall be as effectual and binding as if the resolution had been passed at a meeting of the Board:

Provided that—

(*a*) at least ten members have recorded their views on the resolution;

(*b*) when a resolution is referred by circulation of papers, any five members of the Board may require that the resolution be referred to a meeting, and thereupon such reference shall be made to a meeting of the Board;

(2) When any business is so referred to the members by circulation, a period of not less than fourteen clear days shall be allowed for the receipt of replies from members, such period to be reckoned from the date on which notice of the business is issued;

(3) If a resolution is circulated, the result of the circulation shall be communicated to all the members.

14. *Executive Committee.*—Seven members of the Executive Committee of whom at least one shall be an official shall be elected by the members of the Board at its first meeting or as soon thereafter as possible.

15. *Casual Vacancy in Executive Committee.*—Any casual vacancy occurring among the elected members of the Executive Committee shall be filled by election at the next meeting of the Board or any other subsequent meeting.

16. *Functions of Executive Committee.*—The Executive Committee shall be responsible for carrying on the day to day duties of the Board and shall also exercise such powers of the Board, not being those mentioned in rule 17, as may be delegated to it by the Board.

17. *Restrictions on delegation of Powers.*—The Board shall not delegate any of the following powers to the Executive Committee, namely :—

(*a*) the power to sanction expenditure in excess of Rs. 10,000 in respect of any one item,

(*b*) the power to adopt the budget estimates of the Board on its behalf,

(*c*) the power to sanction expenditure to be incurred outside India,

(*d*) the power to re-appropriate estimated savings in excess of Rs. 2,500 in the case of any one item,

(*e*) the power to dispose of appeals against orders of dismissal from the employees of the Board in receipt of a salary of Rs. 500 and above per mensem.

(*f*) the power to write off losses in excess of Rs. 1,000 in any one case.

18. *Minutes.*—Minutes of the proceedings of the meetings of the Board and of the Executive Committee shall be kept and shall be signed by the person presiding over such meetings. Copies of the minutes of the proceedings of the meetings of the Board shall be submitted to the Central Government and also to the State Governments and bodies by whom members are nominated.

19. *Contracts.*—The Board may enter into contracts provided that every contract which extends over a period of more than three years or involves expenditure in excess of Rs. 50,000 shall require the previous sanction of the Central Government.

(2) The Board may, by a bye-law, delegate to the Executive Committee, Chairman or Secretary, such power of entering into contracts on its behalf as it may think fit.

(3) Contracts shall not be binding on the Board unless they are executed by the Chairman or Vice-Chairman and by the Secretary with the previous approval of the Executive Committee, and the common seal of the Board is affixed thereto.

(4) Neither the Chairman nor the Secretary nor any member of the Board shall be personally liable for any assurance or contract made by the Board, but any liability arising under such assurance or contract shall be discharged from the moneys at the disposal of the Board.

20. *Budget Estimates.*—(1) The Board shall in each year prepare a budget for the ensuing year and shall submit it for the sanction of the Central Government on or before such date as may be appointed by them. No expenditure shall be incurred until the budget is sanctioned by the Central Government and the expenditure has received the sanction of the competent authority.

(2) The budget shall be in such form as the Central Government may direct and shall include a statement of

(*a*) the estimated opening balance,

(*b*) the estimated receipt from the proceeds of the duty levied under section 11 of the Act and from other sources, and

(*c*) the proposed expenditure classified under the following major heads or such other heads as the Central Government may direct :—

(i) Administration.

(ii) Propaganda—Inside India.
Outside India.

(iii) Research.
(iv) Statistics.
(v) Others.

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(3) The proposed expenditure under each major head shall be further classified under the following sub-heads :—

(i) Pay of officers.
(ii) Pay of establishment.
(iii) Allowances, honoraria, etc.
(iv) Other charges, contingencies, etc.

(4) Supplementary estimates of expenditure shall be submitted for the sanction of the Central Government in such form and on such dates as may be directed by them.

21. *Maintenance and Publication of Accounts.*—(1) The Board shall maintain accounts of all receipts and expenditure.

(2) Such accounts shall be audited annually by auditors appointed in this behalf by the Central Government and such auditors shall disallow any item which in their opinion has been spent otherwise than in accordance with the Act or these rules.

(3) If any item is so disallowed, an appeal for the disallowance shall lie to the Central Government, whose decision shall be final.

(4) The accounts of receipts and expenditure relating to each financial year, together with the auditor's report thereon, shall be submitted to the Central Government as soon as may be but not later than six months after the close of the year. The Accounts and auditors' report shall be published in the official gazette.

(5) The accounts of receipts shall include a statement of all sums received by the Board to the credit of the Tea Improvement Fund during the financial year which shall be shown under the following heads :—

(*a*) moneys received under section 11 of the Act,
(*b*) other moneys received by the Board,
(*c*) interest received from the investment of such moneys as aforesaid.

(6) Total receipts shall only be shown under each of the heads specified in sub-rule (5) and the opening balance shall also be stated.

(7) Expenditure incurred during the financial year shall be shown under separate major heads and sub-heads mentioned in clause (*c*) of sub-rule (2) and sub-rule (3) of rule 20.

(8) The closing balance of the year shall be shown at the foot of the accounts on the expenditure side.

22. *Power to incur expenditure.*—(1) Subject to the provisions of the Act and the rules framed thereunder, the Board may incur such expenditure as it may think fit, and write off losses up to Rs. 5,000 in any one case and may delegate to the Executive Committee or to the Chairman, Secretary or to any other officer of the Board such financial powers as it may consider expedient:

Provided that, save with the sanction of the Central Government, no expenditure shall be incurred which is in excess of the sanctioned budget allotment under any major head.

(2) Re-appropriations within a major head of expenditure may be made by the Board and subject to clause (*d*) of rule 17 of these Rules the Board may delegate its powers in this behalf to the Executive Committee.

(3) Re-appropriation between major heads of expenditure shall not be made save with the previous sanction of the Central Government.

(4) The Board may incur expenditure outside India subject to the previous sanction of the Central Government.

23. *Borrowing Powers.*—The Board may with the previous sanction of the Central Government borrow on the security of the Tea Improvement Fund or any other of its assets for meeting its expenses and for any of the purposes referred to in section 10 of the Act:—

Provided that no loan shall be taken which is repayable later than six months from the date of the loan.

24. *Appointment of officers and servants.*—(1) All posts of officers and servants of the Board shall be created and all appointments to those posts shall be made by the Board:

Provided that the creation of a post of which the maximum salary exceeds Rs. 500 per mensem and an appointment thereto shall not be made without the previous sanction of the Central Government.

(2) The Board shall, in respect of its officers and servants, make bye-laws to regulate:—

(i) the conditions of service,
(ii) the appointment, promotion and dismissal,
(iii) the grant of pay, leave, allowances, pensions, gratuities, compassionate allowances,
(iv) the payment of travelling allowances and,
(v) the establishment and maintenance of a provident fund:

Provided that the grant of leave and allowances to permanent Government servants whose services have been lent or transferred to the Board shall be decided with the previous approval of the Government competent to sanction his transfer to the services of the Board.

25. *Allowances and remuneration.*—Save with the previous sanction of the Central Government no remuneration other than travelling allowance and halting allowance shall be paid to any member of the Board on account of his services as such.

26. *Custody and disbursement of Funds.*—The Board shall make bye-laws for the custody and disbursement of its funds:

Provided that the current account of the Board shall be kept with the Imperial Bank of India or any other bank approved by the Central Government and all moneys at the disposal of the Board with the exception of petty cash and imprests shall be paid into that account:

Provided further that any funds not required for current expenditure may be placed in fixed deposit with any bank approved in this behalf by the Central Government or invested in the name of the Board in any security in which trust property may lawfully be invested under the Indian Trusts Act, 1882.

[309 (2) -Law (Tea/49.]

M. A. MULKY, Dy. Secy.

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NOTIFICATION.

No. L.D. 1642—Legis. 4-50-39, dated Bangalore, 21st August 1950.

Ordered that the following Notification No. S. R. O. 269, dated 12th July 1950 of the Ministry of Home Affairs, amending the Indian Passport Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 22nd July 1950, be re-published in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 12th July 1950.

S.R.O. 269.—In exercise of the powers conferred by section 3 of the Indian Passport Act, 1920 (XXXIV of 1920), the Central Government is pleased to direct that, with effect from the 1st August 1950, the following amendment shall be made in the Indian Passport Rules, 1950, namely :—

In clause (c) of sub-rule (1) of rule 4 of the said Rules, the words "or from Burma" shall be omitted.

[No. 4/5/49-F. I.]

FATEH SINGH, Dy. Secy.

NOTIFICATION

No. L.D. 1643—Legis. 6-50-25, dated Bangalore, 21st August 1950.

Ordered that the following Notification No. S. R. O. 270, of the Ministry of Finance, dated 12th July 1950 published in the *Gazette of India*, Part II, Section 3, dated the 22nd July 1950, be re-published in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FINANCE.

New Delhi, the 12th July 1950.

S.R.O. 270.—In exercise of the powers conferred by Sub-section (3) of section 1 of the Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949 (XLVI of 1949), the Central Government is pleased to appoint the 1st August 1950, as the date on which the said Act shall come into force in the State of Orissa.

[No. F. 4(225)-F.1/49.]

S. K. SEN, Dy. Secy.

NOTIFICATION.

No. L.D. 1647—Legis. 6-50-28, Bangalore, dated 21st August 1950.]

Ordered that the accompanying Notification No. S.R.O. 117 dated 22nd July 1950, of the Ministry of Defence under the National Cadet Corps Act, 1948 published in the *Gazette of India*, Part II, Section 4, dated the 22nd July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

S.R.O. 117.—In exercise of the powers conferred by sub-section (2) of Section 12 of the National Cadet Corps Act, 1948 (XXXI of 1948), the Central Government is pleased to appoint a State Advisory Committee of National Cadet Corps, for the State of Mysore consisting of the following persons, namely :—

Chairman—

1. The Honourable Minister for Education and Public Health, Government of Mysore, Bangalore.

Members—

2. The Secretary, Education and Public Health Department, Government of Mysore, Bangalore.
3. The Vice-Chancellor, Mysore University, Mysore.
4. The Director of Public Instruction in Mysore, Bangalore.
5. Lt.-Col. R. V. Karve, Officer Commanding, Mysore Infantry Training Centre, Bangalore.
6. Shri S. Kalappa M.A., B.T., Head-Master Government High School, Fort, Bangalore.
7. Shri G. R. Srinivasalu Naidu B.A., B.T., Head-Master Government High School, Davangere.
8. Lt.-Col. D. C. Basappa, Commander No. 2 Circle N. C. C., Fort St. George, Madras.

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9. Capt. A. Thangavelu Mudaliar, Spencer Road, Civil Station, Bangalore.

10. Shrimati Yeshodhara Dasappa, Race View Cottage, High Grounds, Bangalore.

11 Shri I. N. A. Rama Rao. G. O. C. Sevadal, 50 Cottonpet, Bangalore.

NOTIFICATION

No. L.D. 1648--Legis. 6-50-29, Bangalore, dated the 21st August 1950.

Ordered that the accompanying Notifications Nos. S.R.O., 120 and 121, dated 22nd July 1950 of the Ministry of Defence under the Indian Army Act, 1950, published in the *Gazette of India*, Part II, Section 4, dated the 22nd July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

S.R.O. 120.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Army Act, 1950 (XLVI of 1950), the Central Government is pleased to appoint the 22nd July 1950 as the date on which the said Act shall come into force.

S.R.O. 121.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Army Act, 1950 (XLVI of 1950), and in supersession of the notification of the Government of India in the late Defence Department, No. 685, dated the 27th May 1939, the Central Government is pleased—

(a) to direct that the classes of persons mentioned in the first column of the Schedule hereto annexed, when subject to the said Act under clause (i) of sub-section (1) of Section 2 thereof, shall be so subject as the class of persons mentioned in the corresponding entry in the second column of the said Schedule; and

(b) to authorise the officer commanding any force to give a like direction with respect to any person accompanying such force, other than a Government servant, when subjects to the said Act under clause (i) of sub-section (1) of section 2 thereof, and to cancel such direction.

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1	2
All civil gazetted officers of Government	
All other Government servants whose current total monthly emoluments (excluding compensatory allowances) are more than Rs. 500.	Officers.
All Government servants not being Gazetted Officers whose current total monthly emoluments (excluding compensatory allowances) are not more than Rs. 500 and not less than Rs. 140.	Junior Commissioned Officers.
All Government servants whose current total monthly emoluments (excluding compensatory allowances) are less than Rs. 140 but not less than Rs. 70.	Warrant Officers.
All Government servants whose current total monthly emoluments (excluding compensatory allowances) are less than Rs. 70 but not less than Rs. 35.	Non-commissioned Officers.

NOTIFICATION.

No. L.D. 1649—Legis 6-50-30, dated Bangalore, the 21st August 1950.

Ordered that the accompanying Notifications Nos. S.R.O. 123 and 124, dated 22nd July 1950 of the Ministry of Defence published in the *Gazette of India*, Part II, Section 4, dated the 22nd July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

S.R.O. 123.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Army and Air Force (Disposal of Private Property) Act, 1950 (XL of 1950), the Central Government is pleased to appoint the 22nd July 1950 as the date on which the said Act shall come into force.

S.R.O. 124.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Air Force Act, 1950 (XLV of 1950), the Central Government is pleased to appoint the 22nd July 1950 as the date on which the said Act shall come into force.

H. M. PATEL,
Secretary.

NOTIFICATION.

No. L.D 1744—L.A. 48-50-3, dated Bangalore, 25—30th August 1950.

In exercise of the powers conferred by clause (*b*) of Rule 2 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, His Highness the Maharaja of Mysore is pleased to appoint the Commissioner for Economic Development and Planning and Census Commissioner in Mysore, to perform the functions of the Chief Electoral Officer under the said Rules.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L. 5719—C.M. 30-50-4, dated Bangalore, the 28th August 1950.

In pursuance of clause (a) of Section 366 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No. LXIX of 1949), the draft of the following notification which it is proposed to issue under sub-section (1) of Section 48 of the said Act, is hereby published :—

Draft Notification.

In exercise of the powers conferred by sub-scetion(1) of Section 48 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No. LXIX of 1949), and in supersession of Notification No. L. 5479—C.M. 49-49-14, dated the 7th December 1949, His Highness the Maharaja of Mysore is pleased to fix the boundaries of the fifty (50) territorial divisions of the City of Bangalore as detailed in the annexed schedule for the purpose of the election of the Divisional Councillors to fill the fifty general seats referred to in clause (a) of sub-section (1) of Section 5 of the said Act.

By Order of His Highness the Maharaja,

L. MUNISWAMY,

Secretary to Government,
Local Self-Govt. Department.

SCHEDULE.

Boundaries of the Electoral Divisions of the City of Bangalore.

Name of the Division.	*No. of the Division.*	*Boundaries of the Division.*
Malleswaram West Division.	1	East—III Main Road. West—Mysore State Railway Line. North—Tumkur Road. South—5th Cross Road, Malleswaram.

Name of the Division.	*No of the Division.*	*Boundaries of the Division.*
Malleswaram East Division.	2	East—Polo Ground, Parsi Burial Ground, Malleswaram-Guttahalli Road and Pipe Line Road. West—III Main Road, Malleswaram. North—Sankey Reservoir Road and Tumkur Road. South—5th Cross Road, Malleswaram.
Sreerampuram Division ...	3	East—Mysore State Railway Line. West—Natural Corporation Boundary. North—Natural Corporation Boundary. South—Srirampuram 3rd Cross Road.
Labour Colony Division ...	4	East—V Main Road. West—Corporation Boundary. North—7th Cross Road, Sreeramapuram. South—Mysore Deviation Road.
Maharaja Mills Division ...	5	East—Subedar Chattram Road and Venkataranga Iyengar Road. West—V Main Road, Sreerampuram Halla and Railway Line. North—5th Cross Road, Malleswaram. South—Mysore Deviation Road and M.S.M. Railway Line.
Seshadripuram Division ...	6	East—Pipe line Road. West—Subedar Chattram Road and Venkataranga Iyengar Road. North—5th Cross Road, Malleswaram. South—M.S.M. Railway Line.
Subhas Nagar Division ...	7	Dharmambudi East Tank Bund Road starting from Seshadri Road up to the South Tank Bund Road junction and then turn towards easterly direction meeting Balepet Road and then proceed on Balepet Road towards South to meet T.C. Road (South) and then proceed on T.C. Road towards West to meet crossing Railway line meeting Corporation Boundary on the North-West corner and then turn towards East (Northern boundary)

Name of the Division.	*No. of the Division.*	*Boundaries of the Division.*
		meeting Platform Road and then turn towards South-West meeting Railway under-bridge and then turn towards South-Easterly direction meeting Seshadri Road.
Kempapur Agrahar Division.	8	East—Agrahar Tank Bund Road. West—Natural Corporation Boundary. North—Minerva Mills bordering 7th ward Boundary. South—Mysore Road.
Kemmangundi Division ...	9	East—Aralepet Road. West—Agrahar Tank Bund Road. North—Taluk Cutcherry Road. South—Beli Mutt Road, Binny Mill Road.
Chickpet Division ...	10	East—Avenue Road. West—Balepet Road. North—Rangaswamy Temple Street. South—Taluk Cutcherry Road.
Rangaswamy Temple Division.	11	East—Avenue Road. West—Balepet Road. North—Hospital Road. South—Rangaswamy Temple Street.
Gandhinagar Division ...	12	East—Palace Road, Avenue Road. West—Dharmambudi East Tank Bund Road. North—Start from the Dharmambudi Tank Bund Road and Seshadri Road, meeting Railway under-bridge and proceed on M.S.M. Railway line towards North-East direction up to the junction of Subedar Chattram Road at the level cross and turn towards South meeting Ananda Rao Circle and then turn towards easterly direction and proceed on Seshadri Road meeting the starting point at Kantaraj Urs Circle. South—Hospital Road.
Sri Kasi Visweswaraswamy Temple Division ...	13	East—Avenue Road. West—Aralepet Road. North—Taluk Cutcherry Road. South—Sulthanpet Road and Old Tharagupet Road.

Name of the Division.	*No. of the Division.*	*Boundaries of the Division.*
Sri Krishnarajendra Market Road Division.	14	East—Avenue Road. West—Akkipet Road, Beeredevaragudi Lane. North—Sulthanpet Road and Old Tharagupet Road. South—Mysore Road.
Super Talkies Division ...	15	East—Akkipet Road and Beeredevaragudi Lane. West—New Mysore Road, Agrahar Tank Bund Road. North—Binny Mill Road, Beli Mutt Road, Cottonpet Road and Setty Muddanna Lane. South—Old Mysore Road.
Chamarajapet West Division	16	East—VI Cross Road, Chamarajpet West—Corporation Boundary. North—Mysore Road. South—Kempambudi Tank Water spread area.
Chamarajapet East Division	17	East—Sri Krishnarajendra Road. West—VI Cross Road, Chamarajapet. North—Mysore Road. South—V Main Road, Chamarajapet, Bull Temple Road and VI Main Road, Chamarajapet.
Kalasipalyam Division ...	18	East—Lal-bagh High Road. West—Sri Krishnarajendra Road. North—Mavalli Tank Bund Road. South—Lal-bagh Fort Road.
Gavipur-Guttahalli Division	19	East—Bull Temple Road West—Corporation Boundary North—Kempambudhi Water spread area (VI Main Road, Chamarajpet) South—Bugle Rock Road and Corporation Boundary
Shankarpur Division ...	20	East—Krishnarajendra Road from Irwin Circle to Gandhi Square West—Bull Temple Road from the junction of Bugle Rock Road up to the junction of V Road, Chamarajpet North—V Main Road, Chamarajpet starting on Bull Temple Road junction, proceed towards East to meet Irwin Circle at the junction of Krishnarajendra Road South—Bugle Rock Road from Gandhi Square to Bull Tample Road

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Name of the Division.	*No. of the Division.*	*Boundaries of the Division.*
Visveswarapuram Division	21	East—East Road West—Sri Krishnarajendra Road North—Lal-bagh Fort Road South—Vani Vilas Road
Bull Temple Division ...	22	East—Sri Krishnarajendra Road West—Corporation Boundary North—Bounded by Bugle Rock Road South—Corporation Boundary
Basavangudi East Division	23	East—Village Meeting Corporation Boundary West—Sri Krishnarajendra Road starting from South End of Tata Silk Farm, proceed towards North to meet Vani Vilas Circle near National High School North—Bounded by Vani Vilas Road, proceed on the same road up to West Gate, Lal-bagh and then turn towards South in East Road to meet Kanakanapalya East tract Road and proceed towards East, on the North of Kanakanapalya and on the South of Siddapur South—Corporation Boundary
Mavalli Division ...	24	East—Corporation Boundary West—East Road North—Lal-bagh Fort Road, Lal-bagh High Road, Sunkal Farm Road meeting Municipal Boundary towards East South—Northern boundary of the 23rd Division as already notified, *viz.*, Kanakanapalya road (starting from East Road, Basavangudi and meeting at the Corporation boundary on the East).
Town Hall Division ...	25	East—Monkey Thope Road and Corporation Boundary West—Armuga Mudaliar Lane, Kalasipalyam North—Sri Narasimharaja Road, Mission Road and Lal-bagh Road South—VI Road, Wilson Garden, Sunkal Farm Road and Tank Bund Road

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Name of the Division.	*No. of the Division.*	*Boundaries of the Division.*
Dharmarayaswamy Temple Division ...	26	East—Sri Jayachamarajendra Road West—Avenue Road North—Taluk Cutchery Road South—Sri Narasimharaja Road
Anjaneya Temple Division.	27	East—Siddanna Lane. West—Avenue Road. North—Cubbon Main Road. South—Taluk Cutchery Road.
Taramandalpet Division ...	28	East—Cenotaph Circle. West—Siddanna Lane. North—Cubbon Main Road. South—Taluk Cutcherry Road.
Cubbonpet Division ...	29	East—Sydney Road, Sampangi Tank North Bund Road and Residency Road upto Lal-bagh Road junction. West—Avenue Road and Palace Road. North—Cross lane behind Boulevard along Post Office Road and King's Road. South—Lal-bagh Road, Mission Road and Cubbon Main Road.
High Grounds Division ...	30	East—Miller Road and Palace Road. West—M.S.M. Railway line, Pipe line and New Guttahalli Road. South—Seshadri Road. North—Palace Cross Road and Palace Upparahalli Road.
Palace Guttahalli Division.	31	East—Jayamahal Road. West—Pipe line Road up to junction of Malleswaram, Palace Guttahalli Road and turn towards East up to Parsee Burial Ground and then turn towards North meeting Sankey's Road. South—New Guttahalli Road and Palace Guttahalli Road. North—Sankey's Road crossing, Bellary Road and Palace Garden Road meeting Jayamahal Road.
Benson Town Division ...	32	North—Corporation boundary a small water course which joins the main drain flowing from Munireddypalyam towards East. East—Borebank Road. South—Railway Station Road. West—Corporation boundary and Jayamahal Road.

Name of the Division	*No. of the Division*	*Boundaries of the Division*
Fraser Town Division ...	33	North—Corporation boundary. East—Water course from Corporation boundary on the North up to the Railway under-bridge opposite to Fraser Town Police Station, Hindu Cemetery Road, Kenchappa Road up to Wheeler Road junction. South—Main storm water drain flowing West to East from its junction with water course from Corporation boundary near slaughter house up to Wheeler Road Bridge. West— Corporation boundary, Water course starting from Station boundary upto its junction with main storm water drain near slaughter house.
St. Johns Hill Division ...	34	North—Main (storm water) drain (flowing West and East) from railway under-bridge (near sweepers' lines on Borebank Road) to Wheeler Road bridge. East by main (storm water) drain from Wheeler Road bridge to Meeanee Avenue Road. South by St. Johns Church Road. West by Tannery Road.
Cox Town Division ...	35	North by Corporation Boundary. East by Corporation Boundary. South by Meeanee Avenue Road. West by Main (storm water) drain from Meeanee Avenue Road up to Wheeler Road Bridge, Kenchappa Road, Hindu Cemetery Road up to railway under-bridge opposite to Fraser Town Police Station and along water course behind Hutchins Road houses up to Corporation boundary.
Murphy Town Division ...	36	North by Meeanee Avenue Road, Corporation boundary. East by Corporation boundary. South by water course flowing East and West from Appareddypalyam up to the junction of main channel and main channel from the junction of water course (above) to the bridge on Kensington Road. West by Kensington Road.

Name of the Division	*No. of the Division*	*Boundaries of the Division*
Joughpalyam Division ...	37	North by Richmond Road, Old Madras Road and Main channel from bridge on old Madras Road to its junction with water course from Appareddypalyam, and along the water course from its junction with main channel to Corporation boundary near Appareddypalyam. East by Corporation boundary. South by Corporation boundary. West by Corporation boundary and Lower Agram Road.
Ulsoor Division ...	38	North by Main channel from the bridge on Kensington Road to the bridge on Old Madras Road. East by Old Madras Road. South by Old Madras Road. West by Kensington Road.
Commercial Street Division.	39	North by Main channel from bridge on Narayanpillay Street to bridge on Kensington Road. East by Kensington Road. South by Mahatma Gandhi Road, Dickenson Road and Cubbon Road. West by Main Guard Cross Road and Narayanpillay Street.
Sivan Chetty Garden Division.	40	North by St. Johns Church Road, Meeanee Avenue Road. East by Kensington Road. South by Main channel from bridge on Kensington Road to bridge on Narayanpillay Street. West by Narayanapillay Street, Thimmiah Road and Cavalry Road.
Bamboo Bazaar Division ...	41	North by St. Johns Church Road. East by Cavalry Road. South by Thimmiah Road. West by Sultanjigunta Road and Station Road.
Central Bazaar Division ...	42	North by Thimmiah Road. East by Narayanpillay Street. South by Main channel from Narayanpillay Street to New Market Road. West by New Market Road, Sultanjigunta Road.

Name of the Division	*No. of the Division*	*Boundaries of the Division*
Hospital Division ...	43	North by Main channel from New Market Road to Narayanpillay Street. East by Narayanpillay Street and Main Guard Cross Road. South by Hospital Road. West by Central Street, Meenakshi Koil Street, and Cart Road and New Market Road.
Blackpally Division ...	44	North by main channel from its starting point at Millers Tank on Queen's Road to bridge on New Market Road. East by New Market Road, Cart Road and Meenakshi Koil Street. South by Chick Bazaar Road. West by Queen's Road.
Broadway Division ...	45	North by Railway Station Road. East by Sultanjigunta Road, New Market Road. South by main channel from New Market Road to its starting point at Millers Tank. West by Queen's Road.
Tasker Town Division ...	46	North by Station Road. East by Queen's Road, Chick Bazaar Road, Central Street, Hospital Road, Main Guard Cross Road. South by Cubbon Road, Post Office Road, Seshadri Road. West by Palace Road, Millers Road.
McIver Town Division ...	47	North by Cubbon Road. East by Brigade Road. South by Richmond Road. West by Sampangi Road, Sydney Road and Queen's Road.
Shoolay Division ...	48	North by Cubbon Road, Dickenson Road and Mahatma Gandhi Road. East by Richmond Road. South by Richmond Road. West by Brigade Road.
Richmond Town Division...	49	North by Richmond Road. East by Hossur Road. South by Corporation Boundary. West by Corporation Boundary.
Austin Town Division ...	50	North by Richmond Road. East by Lower Agram Road. South by Corporation Boundary. West by Hossur Road.

L. MUNISWAMY,

Secretary to Government,
Local Self-Government Department.

No. Fl. 4954—S. T. 24-50-2, dated Bangalore, the 25th August 1950.

WHEREAS difficulties have arisen in giving effect to the provisions of Section 8 of the Mysore Sales Tax Act, 1948, (Mysore Act No. XLVI of 1948) in allowing rebate of Sales-tax to certain claimants under rule 25 of the Mysore Sales Tax Rules, 1948;

NOW, THEREFORE, in exercise of the powers conferred by Section 26 of the Mysore Sales Tax Act, 1948, (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to order that in respect of applications for grant of rebates under section 8 of the said Act, made after the commencement of the Mysore Sales Tax Rules, 1948, and before the 21st day of March 1950, notwithstanding that the application has not been made within a period of three months from the date of delivery of the articles outside the State of Mysore, rebate shall be allowed provided the application has been made within five months from the date of delivery of the articles outside the State.—

By Order of His Highness the Maharaja.

No. Fl. 4985—S. & A. 136-48-10, dated Bangalore, the 28th August 1950.

In exercise of the powers conferred by clause (k) of the proviso to sub-section 1 of Section 60 of the Code of Civil Procedure, 1911, (Mysore Act No. III of 1911), His Highness the Maharaja of Mysore is pleased to declare that the allowances specified hereunder forming part of the emoluments of any public officer or of any servant of a local authority shall be exempt from attachment, namely:—

1. House Rent Allowance granted in lieu of free quarters,
2. Conveyance and Fixed Travelling Allowances,
3. Local and sumptuary allowances granted on account of expensiveness of living or for meeting specific expenditure.—

For the purposes of explanation 2 to the Proviso to the said sub-section, and in supersession of Notification No. Fl. 9341—S. & A. 136-48-2, dated the 6th April 1949,

His Highness the Maharaja of Mysore is also pleased to declare that the deductions in respect of payment of—

(1) Insurance premium in the Mysore State Life Insurance (Official Branch),

(2) Subscriptions to the State Provident Fund or other Provident Funds of the Departments of the State Government including recoveries of advances from such funds, provided the subscriptions so paid do not exceed two and a half annas in the rupee of the salary,

shall be exempt from attachment under the provisions of the said code.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,
Finance Department.

No. C. 724 –C.O. 24-49-15, dated Bangalore, the 24th August 1950

In exercise of the powers conferred by sub-clause (1) of Clause 6 of the Mysore Cotton Textiles (Export Control) Order, 1949, His Highness the Maharaja is pleased to direct that the following further amendments shall be made in the Notification No.C. 456—Co. 24-49-3, dated 11th October 1949, namely :—

In the said Notification—

In paragraph 2

(i) in sub-paragraph (1), item (iii) shall be deleted and the existing items (iv), (v), and (vi) be re-numbered as (iii), (iv) and (v), respectively;

(ii) in sub-paragraph (2), for the words "one yard", the words "eighteen inches" shall be substituted;

(iii) in sub-paragraph (3), for the words and figures, "in letters and figures not less than ½" in height" the following shall be substituted, namely :—

"in legible letters and figures not less than ¼" in height";

(iv) for sub-paragraph (4), the following shall be substituted, namely :—

"(4) Notwithstanding anything contained in sub-paragraphs (1), (2) and (3) above, in the case of

towels, hand-kerchiefs, dusters and napkins, the following markings alone in legible letters and figures shall be made on a paper label or on a piece of cloth securely attached to each item namely :—

(*a*) The words "For Export Only".

(*b*) The manufacturer's distinguishing number preceded by the letters "TN".

(*c*) The month and year of packing.

(v) after sub-paragraph (4), the following sub-paragraph shall be added :—

"(5) Notwithstanding anything contained in sub-paragraphs (1), (2) and (3) above in the case of pieces of cloth less than three yards in length other than towels, hand-kerchiefs, dusters and napkins, the following markings alone shall be made in legible letters and figures not less than $\frac{1}{4}''$ in height, namely :—

(*a*) The words "For Export Only".

(*b*) The manufacturer's distinguishing number preceded by the letters "TN".

(*c*) Month and year of packing.

II. For paragraph 5, the following shall be substituted, namely :—

"5. If any cloth or yarn sold for export is thereafter subjected to any ancillary process such as bleaching, dyeing, printing, calandering or mercerising the markings, other than the Texmark, as provided in paragraph 2 or paragraph 3 as the case may be, shall be made thereon before it is packed or delivered, provided that—

(i) the Texmark and distinguishing number of the person carrying out the processing shall be marked thereon in addition to the distinguishing number of the producer of the basic cloth or yarn ;

(ii) the width to be stamped on the processed cloth shall be the actual width of the cloth as processed;

(iii) the month and year of packing to be stamped on the processed cloth shall be the actual month and year of packing of the processed cloth."

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.